

## **SECOND/THIRD READINGS SUMMARY SHEET**

CASE: C14-2021-0100 (Luby's Site)

DISTRICT: 10

ADDRESS: 8176 North MoPac Expressway

APPLICANT: Luby's Fuddruckers Restaurants, LLC (Bill Gordon)

AGENT: Armbrust& Brown, PLLC (Michael Whellan)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, [sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov))

REQUEST:

Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 8176 North MoPac Expressway (Shoal Creek Watershed). Applicant Request: To rezone from neighborhood commercial (LR) district zoning to multifamily residence-highest density (MF-6) district zoning.

PREVIOUS CITY COUNCIL ACTION:

October 14, 2021: Approved the staff's recommendation of MF-6 zoning by consent (11-0); P. Renteria-1st, P. Ellis-2nd.

ISSUES: N/A

## ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0100 (Luby's Site)

DISTRICT: 10

ADDRESS: 8176 North MoPac Expressway

ZONING FROM: LR

TO: MF-6

SITE AREA: 2.38 acres

PROPERTY OWNER: Luby's Fuddruckers Restaurants, LLC (Bill Gordon)

AGENT: Armbrust & Brown, PLLC (Michael Whellan)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, [sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov))

### STAFF RECOMMENDATION:

**Staff recommends MF-6, Multifamily Residence-Highest Density district, zoning.**

### ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**August 3, 2021: Motion to reopen the public hearing and postpone the case to August 17, 2021 (8-0); H. Smith-1st, R. Woody-2nd.**

**August 17, 2021: Motion to approve staff's recommendation of MF-6 zoning (5-1, D. King-No and R. Woody-absent). Commissioner's J. Kiolbassa, A. Denkler, B. Greenberg and C. Thompson-abstained. Therefore, the case is forwarded to the City Council without a recommendation.**

### CITY COUNCIL ACTION:

**September 30, 2021: Postponed to October 14, 2021 at the staff's request (11-0).**

**October 14, 2021: Approved the staff's recommendation of MF-6 zoning by consent (11-0); P. Renteria-1st, P. Ellis-2nd.**

**November 4, 2021**

### ORDINANCE NUMBER:

### ISSUES:

The applicant has provided new information related to the conditions for this property (*Please see Horizon Environmental Report - Luby's Site - Exhibit F*). This information was shared with the Watershed Protection Department for an initial consultation in May. The Watershed Protection Department staff has stated that they are aware of the environmental constraints associated with the Luby's site. The Watershed Protection staff will review the conditions on this property to insure compliance with the City's Land Development Code regarding protection of any critical environmental features, such as a cave, that are present on the site during the site plan review process.

In addition, the applicant has executed a private restrictive covenant with the Northwest Austin Civic Association. The restrictive covenant includes provisions concerning Exterior Materials, Garage Screening, Building Height, Monument Signage, Affordable Housing, Parkland Dedication fees in-lieu, and water quality (*Please see private RC with NWACA - Exhibit G*).

CASE MANAGER COMMENTS:

The property in question is a 2.38 acre lot that contains a restaurant use (Luby's Cafeteria) located on the southwest corner of the Mopac Expressway Service Road and Steck Avenue. The tracts of land to the north and south are zoned LO/LR and are developed with office complexes. To the east is a highway, North MoPac Expressway. The lot to the west is developed with a multifamily use (La Montreaux Apartments). In this application, the applicant is requesting to rezone this property from LR, Neighborhood Commercial district, zoning to MF-6, Multifamily Residence-Highest Density district, zoning to redevelop this site with a 275-unit multifamily apartment complex, which would include 10 percent of total units (28 units) available as long-term Affordable housing units at 80 percent of Median Family Income (MFI) (*Please see Applicant's Request Letter – Exhibit C*).

The staff recommends MF-6, Multifamily Residence-Highest Density district, zoning because the site under consideration meets this intent of the MF-6 district as it is located at the southwest corner of the intersection of an arterial roadway, Steck Avenue, and a highway, North MoPac Expressway and is near a designated 'Neighborhood Activity Center' in the Image Austin Comprehensive Plan. The proposed MF-6 zoning would be compatible and consistent with the surrounding uses because this property is adjacent to office and commercial zoning to the north and south and multifamily zoning to the west. The surrounding zoning permits office and commercial services that can be utilized by the residents of this proposed residential development. MF-6 district zoning will provide for additional housing opportunities in this area of the city.

The applicant agrees with the staff's recommendation.

BASIS FOR RECOMMENDATION:

*1. The proposed zoning should be consistent with the purpose statement of the district sought.*

Multifamily Residence (Highest Density) district is intended to accommodate multifamily and group residential use. This district is appropriate for highest density housing in centrally located areas near supporting transportation and commercial facilities, in areas adjoining downtown Austin and major institutional or employment centers, and in other selected areas where highest density multifamily use is desirable.

*2. The proposed zoning should promote consistency and orderly planning.*

MF-6 zoning would be compatible and consistent with the surrounding uses because this property is located adjacent to LO and LR zoning to the north and south and MF-2 zoning to the west. The surrounding zoning permits office and commercial services that can be utilized by the residents of this proposed development. In addition, the site fronts onto the service road for North MoPac Expressway and there is a bus stop is located directly in front of the subject property, on Steck Avenue.

3. *Intensive multi-family zoning should be located on major arterials and highways.*

The property in question is located at the southwest corner of the intersection of an arterial roadway, Steck Avenue, and a highway, North MoPac Expressway. The site is also located near, a 'Neighborhood Activity Center' (the Anderson Lane Neighborhood Center), as identified on the Imagine Austin's Growth Concept Map, found in the Image Austin Comprehensive Plan.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR	Restaurant (General)
<i>North</i>	LO, LR	Office (Oak Point Office Complex)
<i>South</i>	LO	Office (Westpark Office Complex)
<i>East</i>	ROW	North MoPac Expressway
<i>West</i>	MF-2	Multifamily (Le Montreaux Concierge Community)

AREA STUDY: N/A

TIA: Deferred to Site Plan

WATERSHED: Shoal Creek

SCHOOLS: Austin I.S.D.

Hill Elementary School  
Murchison Middle School  
Anderson High School

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District  
Austin Lost and Found Pets  
Austin Neighborhoods Council  
Friends of Austin Neighborhoods  
Friends of North Shoal Creek  
Homeless Neighborhood Association  
Lemontrux of Spicewood Forest  
Neighborhood Empowerment Foundation  
Northwest Austin Civic Association  
North Austin Neighborhood Alliance  
North Shoal Creek Neighborhood Association  
North Shoal Creek Neighborhood Plan Contact Team  
NW Austin Neighbors  
SELTEXAS



Shoal Creek Conservancy  
 Sierra Club, Austin Regional Group  
 TNR BCP – Travis County Natural Resources

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2015-0056 (8240 N. Mopac Rezoning)	LO to LR	7/07/15: Approved staff's recommendation of LR zoning on consent (9-0, D. Breihaupt-1 <sup>st</sup> and S. Lavani-absent); L. Brinsmade-1 <sup>st</sup> , A. Denkler-2 <sup>nd</sup> .	8/13/15: Approved LR zoning on consent on all 3 readings (11-0); L. Pool-1 <sup>st</sup> , D. Zimmerman-2 <sup>nd</sup> .
C14-2012-0149 (8200 North MoPac Rezoning: 8200 North Mopac Expressway South Bound)	LO to LR	1/15/13: Approved the staff's recommendation of LR zoning by consent (6-0, P. Seeger-absent); G. Rojas-1 <sup>st</sup> , S. Compton-2 <sup>nd</sup> .	2/14/13: Approved LR zoning on consent on all 3 readings (7-0); S. Cole-1 <sup>st</sup> , B. Spelman-2 <sup>nd</sup> .
C14-2010-0164 (8610 North Mopac Expressway South Bound)	LR-CO to GR	11/16/10: Approved GR-CO zoning on consent, with the following additional conditions offered by the applicant: No Pawn Shop Services use and a public restrictive covenant to state that business will be closed during the hours of 10:00 p.m. to 6:00 a.m. (6-0, Banks-absent); P. Seeger-1 <sup>st</sup> , D. Tiemann-2 <sup>nd</sup> .	12/09/10: Approved GR-CO zoning on consent on all 3 readings (7-0); Spelman-1 <sup>st</sup> , Martinez-2 <sup>nd</sup> .

RELATED CASES:

C8J-2008-0107.0A – Subdivision Case

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Mopac Expressway SRVG SB	190'	Defer to TxDOT	47'	4	Yes	Yes	Yes
Steck Avenue	80'	64'	48'	2	Yes	Yes	Yes

## OTHER STAFF COMMENTS:

### Comprehensive Planning

This zoning case is located on the southwest corner of the Mopac Expressway Service Road and Steck Avenue on a 2.38 acre site, which contains a restaurant. The property is located adjacent to the Anderson Lane Neighborhood Center, which is to the south and is not in a small area planning area. Surrounding uses include an office building to the north; to the south are office buildings and a shoe repair shop; to the east is the Mopac Expressway; and to the west is a large apartment complex. The proposed use is a 275 unit multifamily apartment complex, which would include 10 percent of total units (28 units) available as long-term Affordable housing units at 80 percent of Median Family Income (MFI).

### **Connectivity**

A public sidewalk is located partially along this portion of Steck Avenue and along the Mopac Expressway frontage road. Unprotected bikes lanes are located along Steck Avenue. There is also a signalized crosswalk at Steck and the Mopac frontage road. A bus stop is located directly in front of the subject property, which is on Steck Avenue. Mobility options are average while connectivity options are fair, due to the lack of parks, schools and goods and services within a half a mile radius of the site.

### **Imagine Austin**

This project is located near a Neighborhood Activity Center. A Neighborhood Center is the smallest Center in the Imagine Austin Comprehensive Plan, which is supposed to have a more local focus. Neighborhood Centers are intended for doctors and dentist offices, retail shops, branch libraries, dry cleaners, hair salons, coffee shops, restaurants, and other small and local businesses to generally serve the center and surrounding neighborhoods. Imagine Austin Centers are represented by a circle or globular shape that reflects the general location where a ‘center’ should be located in the future. The center’s actual boundaries would need to be refined and clarified through a small area planning process. Regional, town, and neighborhood centers are supposed to be walkable, bikeable, and supported by transit.

The following IACP policies are also relevant to this case:

- **LUT P3.** Promote development in **compact centers, communities, or along corridors** that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing, and transportation costs.
- **LUT P5.** Create healthy and family-friendly communities through development that includes a **mix of land uses and housing types** and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- **HN P10.** Create complete neighborhoods across Austin that have a **mix of housing types and land uses**, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

The project is located near a **Neighborhood Center**, which supports multifamily uses. There are also average mobility options in the area (public sidewalks, unprotected bike lanes,

signalized crosswalks and a public transit stop) but the area lacks nearby civic uses and retail and commercial uses in the vicinity. Based upon a Neighborhood Center supporting multifamily uses, average mobility options, setting aside 10 percent of the units as an affordable housing component, but below average connectivity options in this area, this project partially supports the policies of the Imagine Austin Comprehensive Plan.

### Environmental

The site is located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification. According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 sq. ft. cumulative is exceeded, and on site control for the two-year storm.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

### Fire

No comment.

### Parks and Recreation

Parkland dedication will be required for the new residential units proposed by this development, multifamily with MF-6 zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov).

### Site Plan

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards along the south property line.

Additional design regulations will be enforced at the time a site plan is submitted.

### Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies sufficient right-of-way for Steck Avenue and Mopac Expressway.

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan/subdivision application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

### Water Utility

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

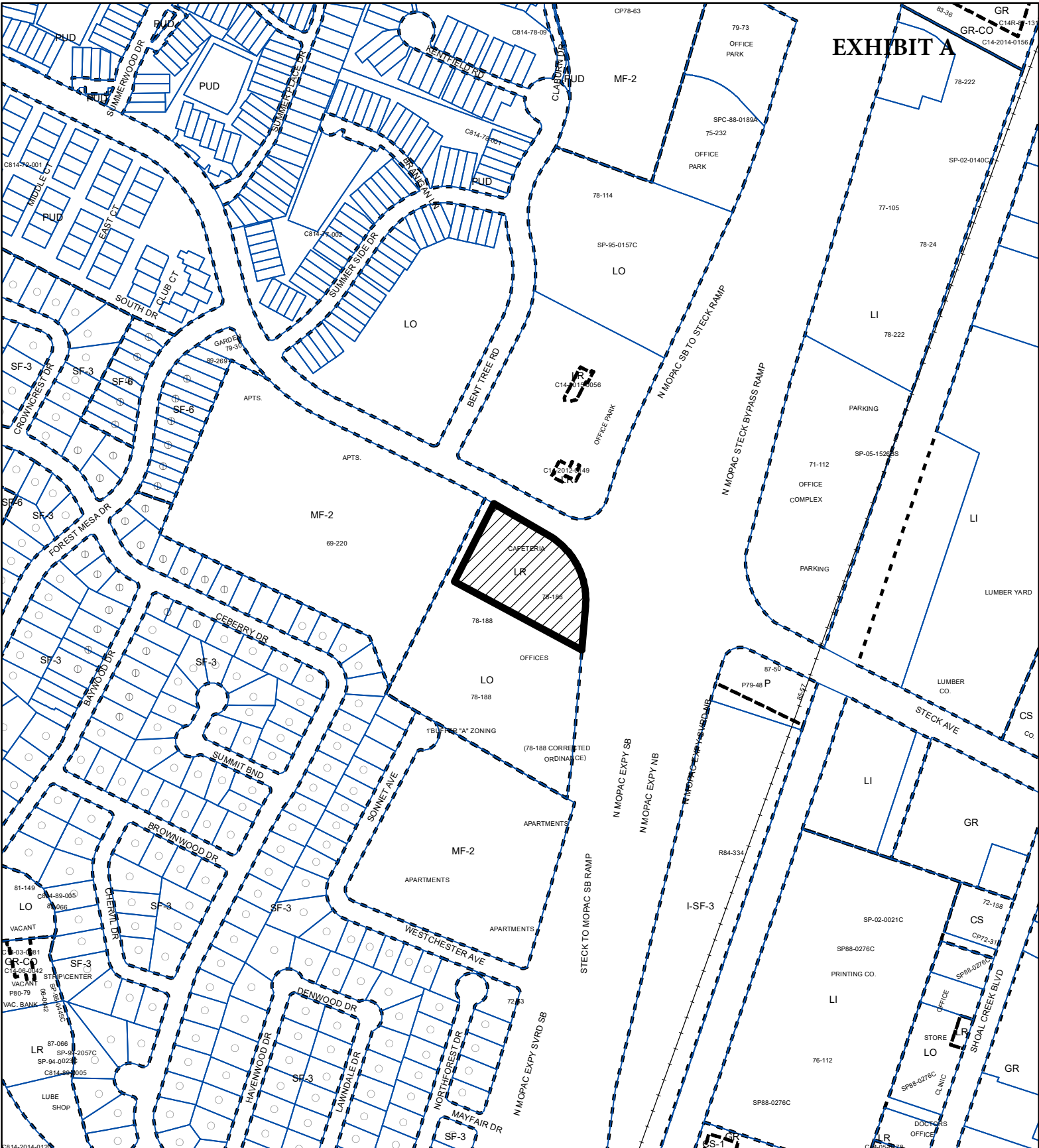
Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at [ser@austintexas.gov](mailto:ser@austintexas.gov).

The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

### INDEX OF EXHIBITS TO FOLLOW




- A: Zoning Map
- B. Aerial Map
- C. Applicant's Request Letter
- D. Education Impact Analysis
- E. Correspondence from Interested Parties
- F. Horizon Environmental Study - Luby's Site
- G. Private RC with NWACA

# EXHIBIT A



## ZONING

ZONING CASE#: C14-2021-0100

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



1" = 400'

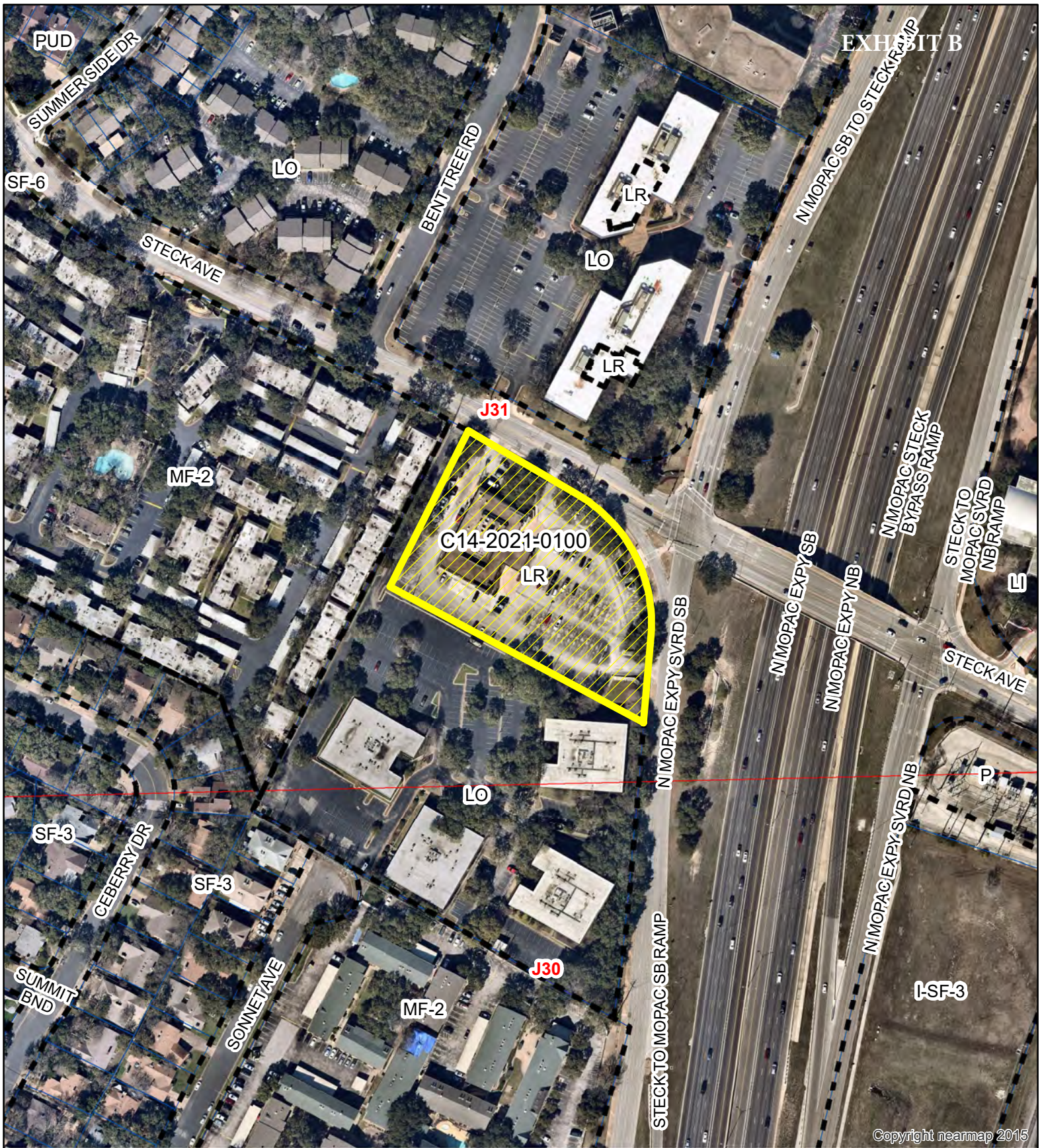
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Created: 6/10/2021





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SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

1" = 200'

### Luby's Site

ZONING CASE#: C14-2021-0100  
 LOCATION: 8176 N. MoPac Expy SR SB  
 SUBJECT AREA: 2.3792 Acres  
 GRID: J31  
 MANAGER: Sherri Sirwaitis



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



**ARMBRUST & BROWN, PLLC**

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300  
AUSTIN, TEXAS 78701-2744  
512-435-2300

FACSIMILE 512-435-2360

April 14, 2021

Jerry Rusthoven, Assistant Director  
City of Austin  
Housing and Planning Department  
1000 E. 11th St.  
Austin, Texas 78702

Re: Rezoning application for TCAD Parcel No. 0242020462 (the "Property")

Dear Mr. Rusthoven:

I am submitting an application to rezone the Property to MF-6 in order to develop a multi-family project with roughly 275 total units, including 10 percent of total units available as long-term Affordable housing units at 80 percent of Median Family Income (MFI).

The Property is located along MoPac Expressway, at its intersection with Steck Avenue, and is surrounded by sites zoned for office and multi-family. It is currently zoned for Neighborhood Commercial ("LR") and operates as a Luby's restaurant.

We believe that the Property is an appropriate location for a multi-family project including income-restricted Affordable units. It is in a high-opportunity area with access to Hill Elementary School, Murchison Middle School, and Anderson High School, and would meaningfully contribute to Affordable housing capacity within District 10. The Austin Strategic Housing Blueprint establishes a goal of 8,456 Affordable units up to 80 percent MFI in District 10 by 2028, though there are only 24 such units available to date, according to city figures. This project would provide 10 percent of total units at 80 percent MFI, or roughly 28 new Affordable units – more than the total number of Affordable units currently available in District 10.

To deliver on this vision, we are requesting MF-6 zoning, which would allow a multi-family project as well as the additional height and units needed to commit to the affordability levels outlined above. Approving MF-6 at this location would maintain the same impervious cover limitation already allowed today, while also allowing additional height at an appropriate location along the MoPac corridor. The Property is surrounded by office and multi-family sites as well as MoPac Expressway, all which provide buffers between the Property and interior neighborhoods. The project would also be built in full compliance with compatibility standards, further ensuring that the additional height is accomplished in an appropriate manner.

I appreciate your consideration and look forward to answering any questions and providing further details.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael J. Whellan", with a stylized, flowing script.

Michael J. Whellan

# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin  
Independent  
School District



**PROJECT NAME:** Luby's Site

**ADDRESS/LOCATION:** 8176 N. MoPac Expwy.

**CASE #:** C14-2021-0100

☐ NEW SINGLE FAMILY

☐ DEMOLITION OF MULTIFAMILY

☒ NEW MULTIFAMILY

☐ TAX CREDIT

# SF UNITS: \_\_\_\_\_ STUDENTS PER UNIT ASSUMPTION  
Elementary School: \_\_\_\_\_ Middle School: \_\_\_\_\_ High School: \_\_\_\_\_

# MF UNITS: 275 STUDENTS PER UNIT ASSUMPTION  
Elementary School: 0.02 Middle School: .014 High School: 0.02

## IMPACT ON SCHOOLS

The student yield factor of 0.054 (across all grade levels) for apartment homes was used to determine the number of projected students. This factor was provided by the district's demographer.

The proposed 275-unit multifamily development is projected to add approximately 15 students across all grade levels to the projected student population. It is estimated that of the 15 students, 6 will be assigned to Hill Elementary School, 4 to Murchison Middle School, and 5 to Anderson High School.

The percent of permanent capacity by enrollment for School Year 2025-26, including the additional students projected with this development, would be over the optimal utilization target range of 85-110% at Hill ES (130%), within the target range at Murchison MS (87%), and below the target range at Anderson HS (78%). In August 2021, an addition with eight new classrooms will be opening at Hill ES to address overcrowding at the campus.

## TRANSPORTATION IMPACT

Students attending Hill ES and Anderson HS will not qualify for transportation unless a hazardous route is identified. Students attending Murchison MS qualify for transportation and no additional buses would be needed.

## SAFETY IMPACT

There are not any identified safety impacts at this time.

**Date Prepared:** 07/28/2021

**Executive Director:**

DocuSigned by:

*Ben Wilson*

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# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin  
Independent  
School District



## DATA ANALYSIS WORKSHEET

### ELEMENTARY SCHOOL: Hill

ADDRESS: 8601 Tallwood Drive

PERMANENT CAPACITY: 690

MOBILITY RATE: +2.5%

#### POPULATION (without mobility rate)

ELEMENTARY SCHOOL STUDENTS	2020-21 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	852	871	877
% of Permanent Capacity	123%	126%	128%

#### ENROLLMENT (with mobility rate)

ELEMENTARY SCHOOL STUDENTS	2020-21 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	873	892	898
% of Permanent Capacity	127%	129%	130%

### MIDDLE SCHOOL: Murchison

ADDRESS: 3700 N. Hills Drive

PERMANENT CAPACITY: 1,301

MOBILITY RATE: -3.6%

#### POPULATION (without mobility rate)

MIDDLE SCHOOL STUDENTS	2020-21 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	1,294	1,181	1,185
% of Permanent Capacity	99%	91%	91%

#### ENROLLMENT (with mobility rate)

MIDDLE SCHOOL STUDENTS	2020-21 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	1,247	1,127	1,131
% of Permanent Capacity	96%	87%	87%

# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin  
Independent  
School District



## HIGH SCHOOL: Anderson

ADDRESS: 8403 Mesa Drive

PERMANENT CAPACITY: 2,478

MOBILITY RATE: 3.4%

### POPULATION (without mobility rate)

HIGH SCHOOL STUDENTS	2020-21 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	2,168	1,862	1,867
% of Permanent Capacity	87%	75%	75%

### ENROLLMENT (with mobility rate)

HIGH SCHOOL STUDENTS	2020-21 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	2,242	1,935	1,940
% of Permanent Capacity	90%	78%	78%

**From:** Liz Petropoulos  
**To:** [Sirwaitis, Sherri](#)  
**Subject:** Case Number: C14-2021-0100  
**Date:** Thursday, July 15, 2021 6:36:49 PM

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\*\*\* External Email - Exercise Caution \*\*\*

Hello Sherri Sirwaitis,

I am a resident of The Arbors located at 8210 Bent Tree Road in Austin, TX, essentially across the street from the subject property.

As a longtime resident, specifically at 8215 Summer Side Drive, I am very familiar with the traffic in the area included in the subject case. When I return home from work from 4:20 to 5:00 PM on weekdays when Anderson High School is in session, Steck Avenue is a parking lot (going to MoPac from Mesa Drive). It did not used to be that way but over the last two years that is what has developed by way of traffic. Adding 275 units at the intersection of the MoPac frontage road and Steck Avenue corner would be a colossal mistake as traffic would surge and make an already busy intersection worse. The ingress and egress to the subject property would need to be changed or a light put in similar to Far West and MoPac.

The long and the short of this is that there are already too many cars on Steck Avenue and adding 275 units would not only be detrimental to existing residents but difficult for the residents of the 275 units.

I appreciate your consideration in this matter.

Thank you,

Elizabeth Petropoulos

812-604-5102

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**From:** Patricia Bancroft  
**To:** [Sirwaitis, Sherri](#)  
**Subject:** Case #C14-2021-0100  
**Date:** Monday, June 28, 2021 10:04:33 AM

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\*\*\* External Email - Exercise Caution \*\*\*

Good morning.

My concern for this application is traffic impact. Steck Avenue at that location is already difficult to access and high density residential will only increase that traffic.

I understand there will be a hearing and I will be very interested to know how this will be addressed, during construction and upon completion as well.

Thank you

Patricia Bancroft

Sent from my iPhone

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## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted online and you have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for information on how to participate in the public hearings online. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:  
[www.austintexas.gov/planning](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2020-0100

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: August 3, Zoning and Platting Commission

HUGH HIGGINS

Your Name (please print)

8115 E. COURT, 78759

Your address(es) affected by this application

[Signature]

Signature

☒ I am in favor  
☒ I object

7-24-21  
Date

Daytime Telephone: 512-775-9872

Comments:

I DO NOT OPPOSE/OBJECT  
TO THE NEW ZONING.

HOWEVER, MY APPROVAL IS  
SUBJECT TO HAVING ALL  
INGRESS AND EGRESS VEHICLE  
TRAFFIC BE LIMITED TO THE  
NO PAC SERVICE ROAD = NOT STECK

If you use this form to comment, it may be returned to:  
City of Austin, Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)

City of Austin

JUL 27 2021

NHCD / AHFC



## PUBLIC HEARING INFORMATION

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**Case Number: C14-2020-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: August 3, Zoning and Platting Commission**

SALVATORE GALATI

Your Name (please print)

8210 BENT TREE RD #130

Your address(es) affected by this application

S. Sirwaitis

Signature

☐ I am in favor  
☒ I object

7/24/21  
Date

Daytime Telephone: 512 584 5312

Comments: I am AFRAID this is a  
speculative development proposal,  
that may lower the quality of  
the neighborhood

DAVE TO 1971 @ GMAIL . com

If you use this form to comment, it may be returned to:

City of Austin, Planning & Zoning Department

**Sherri Sirwaitis**

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

**[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)**



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Case Number: C14-2020-0100

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: August 3, Zoning and Platting Commission

HANID NIZOUMAND-RAD

Your Name (please print)

☐ I am in favor  
☒ I object

8210 BENT TREE Rd. #125

Your address(es) affected by this application

Hill Road

Signature

7/23/21

Date

Daytime Telephone: 512-587-9400

Comments: already crowded

intersection of Steak &  
MO-Pac. too many cars  
making it unsafe for  
all of us.

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City of Austin, Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

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JUL 27 2021

NHCD / AHFC

## INFORMACIÓN DE AUDIENCIA PÚBLICA

Esta petición de zonificación / rezonificación será revisada y se tomarán medidas en dos reuniones públicas diferentes: antes de la Comisión de Usos Urbanos y el consejo municipal. Aunque se espera que solicitantes y/o su(s) agente(s) se presenten en una audiencia pública, usted no está obligado de atender. Esta reunión se llevará a cabo en línea a través de internet y tiene la oportunidad de hablar A FAVOR o EN CONTRA del propuesto desarrollo o cambio. Póngase en contacto con el administrador de casos para información sobre cómo participar en la audiencia pública en línea a través de internet. Usted también puede contactar organizaciones ambientales o asociaciones de vecinos que han expresado interés en una aplicación que afecta a su vecindario.

Durante la audiencia pública, la comisión podría postergar o continuar audiencia del caso en una fecha futura, o puede evaluar la recomendación de los oficiales municipales y las del público al mismo tiempo mandando su recomendación al cabildo municipal. Si la comisión anuncia una fecha y hora específica para postergar o continuar discusión, y no se extiende más de 60 días, no tendrá obligación de otra notificación pública.

El cabildo municipal, durante su audiencia pública, puede otorgar o negar una petición de zonificación, rezonificar el terreno a una clasificación de zonificación menos intensiva que lo que es pedida. En ningún caso se otorgará una clasificación de zonificación más intensiva de la petición.

Para otorgar un desarrollo de usos urbanos mixtos, el cabildo municipal puede agregar la designación USO MIXTO (MU) DISTRITO COMBINADO, *Mixed-use (MU) Combining District*, a ciertos usos urbanos de comercio. La designación MU- Distrito Combinado simplemente permite usos urbanos residenciales en adición a los usos ya permitidos en los siete distritos con zonificación para comercio. Como resultado, la designación MU- Distrito Combinado, otorga la combinación de oficinas, comercio, y usos urbanos residenciales en el mismo sitio.

Para más información acerca del proceso de desarrollo urbano de la ciudad de Austin, por favor visite nuestra página de la Internet: [www.austintexas.gov/planning](http://www.austintexas.gov/planning).

Comentarios escritos deberán ser sometidos a la comisión (o a la persona designada en la noticia oficial) antes de la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, y el número de caso de la persona designada en la noticia oficial.

**Numero de caso: C14-2021-0100**

**Persona designada: Sherri Sirwaitis, 512-974-3057**

**Audiencia Publica: Agosto 3, 2021, Comisión de Zonificación y Platting**

*Su nombre (en letra de molde)*

<input type="checkbox"/>	I am in favor
<input checked="" type="checkbox"/>	I object

*Su domicilio(s) afectado(s) por esta solicitud*

*Firma*

*Fecha*

Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_

Si usted usa esta forma para proveer comentarios, puede retornarlos:

City of Austin, Planning & Zoning Department

**Sherri Sirwaitis**

P. O. Box 1088, Austin, TX 78767-8810

O por correo electrónico a:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)



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**Case Number: C14-2020-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: August 3, Zoning and Platting Commission**

GAYLON O. DAVIDSON

Your Name (please print)

8107 CLUB COURT, AUSTIN, TX 78759

☐ I am in favor  
☒ I object

Your address(es) affected by this application

Gaylon O. Davidson

Signature

1/24/21  
Date

Daytime Telephone: 512 291-2273

Comments: I OBJECT TO MIF DESIGNATION  
FOR THIS PROPERTY

City of Austin

JUL 28 2021

NHCD / AHFC

If you use this form to comment, it may be returned to:

City of Austin, Planning & Zoning Department

Sherri Sirwaitis

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**Case Number: C14-2020-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: August 3, Zoning and Platting Commission**

*John Fisher*

Your Name (please print)

*8210 Bent Tree Rd. 222<sup>nd</sup> Austin TX 78759*

Your address(es) affected by this application

*John Fisher*

Signature

☐ I am in favor  
☒ I object

*7-25-2021*

Date

Daytime Telephone: \_\_\_\_\_

Comments: *Don't Change the Zoning.*

*City of Austin*

*JUL 28 2021*

*NHCD / AHFC*

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City of Austin, Planning & Zoning Department

**Sherri Sirwaitis**

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

**[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)**

**From:** Marianne Ross  
**To:** [Sirwaitis, Sherri](#)  
**Subject:** RE: Case No. C-14-2021-0100; Rezoning 8176 N MoPac  
**Date:** Thursday, July 29, 2021 10:30:25 AM

---

Dear Ms. Sirwaitis:

Please submit the following comments and objection for the rezoning application referenced above:

I am a resident of Summerwood, a neighborhood community consisting of several free-standing homes and townhomes located just a half mile west of the property at issue. I strongly oppose the rezoning application of this property to MF-6. The City has already decreased vehicular traffic movement by increasing the volume of the bike lanes on Steck and other areas around town. Adding a large, highly dense community at that particular intersection would make traffic all that much worse than it already is. During Covid and the quarantine it may *appear* there is not a lot of traffic around Steck & Mopac, but there is. During normal times, the traffic is already unbearable at that intersection. Also, we have a number of senior citizens living in our neighborhood and surrounding areas, in addition to the numerous students who attend Anderson High School farther west on Steck. Please do not make it any more difficult for them to maneuver than it already is.

Thank you,

Marianne Ross  
8330 Summerwood Dr.  
512-751-5177 cell

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**From:** Judy Briscoe  
**To:** [Sirwaitis, Sherri](#)  
**Subject:** Proposed Zoning Change for current Luby's Restaurant  
**Date:** Monday, August 2, 2021 10:59:04 AM

---

\*\*\* External Email - Exercise Caution \*\*\*

Dear Ms. Sirwaitis –

My husband, Gary Briscoe, and I, Austin natives, have lived in Summerwood for 30 years. As the population density of Austin has increased exponentially, traffic has become a nightmare. Trying to get onto Steck Avenue from Summerwood Drive has become increasingly more difficult. The light at MoPac and Steck Avenue can cause a delay of several minutes and multiple light changes to get onto MoPac from Steck, either going north or south.

Putting in a multi-unit apartment complex will only exacerbate an already untenable situation. Please reconsider the potential zoning change. We don't need the additional residents, potentially increased crime, and unbearable traffic congestion.

Thank you for your consideration.

Judy and Gary Briscoe  
8302 Summerwood Drive  
Austin, TX 78759  
512-338-1916

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**Case Number: C14-2020-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: August 3, Zoning and Platting Commission**

*Leo H. + Teresa J White*

Your Name (please print)

*8111 West Court, 78759*

Your address(es) affected by this application

*See Attached*

Signature

☐ I am in favor  
☒ I object

Date

Daytime Telephone: *210-349-2450*

Comments: *We oppose any structure more than 2 stories in height.*

City of Austin

AUG 01 2021

NHCD / AHFC

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City of Austin, Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)



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**Case Number: C14-2020-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: August 3, Zoning and Platting Commission**

ANN WARD

Your Name (please print)

3604 BRANIGAN Lane

Your address(es) affected by this application 78159

Ann Ward

Signature

8/2/2021

Date

Daytime Telephone: 512-338-1623

Comments: I oppose changing this zoning to a multifamily residence highest density district. It will increase traffic on Steck Ave, and it is almost impossible to turn left off of Summer Side & Bent Tree onto Steck now. This will make it worse. A high rise doesn't fit our neighborhood & will make the Steck/HofAC intersection more dangerous.

☐ I am in favor  
☒ I object

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Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)

**From:** Susan Summers  
**To:** [Sirwaitis, Sherri](#)  
**Subject:** Objections to zoning change  
**Date:** Monday, August 2, 2021 3:39:20 PM

---

\*\*\* External Email - Exercise Caution \*\*\*

Dear Ms. Sirwaitis,

I write to record my opposition to the proposed zoning change for the Luby's property at the Mopac-Steck intersection.

I believe that a combination of decreased business for Luby's and diminished traffic due to the pandemic have caused a false picture of traffic conditions in the area.

I have been familiar with this area for 33 years. Ingress and egress at this property have always been extremely problematic.

My first point: when Luby's was a "going" business, people going west on Steck would turn left across eastbound traffic to enter the parking lot. This caused long and frustrating waits for people in the cars behind them. A densely populated apartment house will once again make this a problem.

Second, at peak times one can wait through 2 traffic lights in the left lane when headed east on Steck, wishing to turn left onto the northbound access road to enter 183 or northbound Mopac. Traffic backs up a considerable distance. This problem will be enormously exacerbated when dozens of apartment residents want to be in this lane as well for their northbound commute.

Third, the east side entrance/exit presents a problem. There is very little "space" to exit the property and cross three lanes of traffic to enter southbound Mopac. Again, imagine when other dozens of residents want to do this as they begin a commute southward.

In addition to these considerations, I ask that you consider the implications of the impact a high-density dwelling will have on the student populations at Hill Elementary and Murchison Middle School.

There are aesthetic issues as well. The corner is considerably higher than the areas to the north and east. What will surely be a high rise building will be out of scale for its surroundings.

Obviously something will replace Luby's. In the best interests of public safety and community well-being, I urge you to deny any plan that proposes high-density use.

My husband asks that you know he also believes the proposed change is a bad idea aesthetically or practically.

Yours sincerely,  
Susan S. Summers  
8332 Summerwood Dr.

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CAUTION: This form is provided as a guide only. Please refer to the City of Austin's website for the most current version of this form. If you have any questions, please contact the City of Austin's Planning Department at (512) 974-3057.

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Case Number: C14-2020-0100  
Contact: Sherri Sirwaitis, 512-974-3057  
Public Hearing: August 3, Zoning and Platting Commission

Debby Klattman  
Your Name (please print)

☐ I am in favor  
☒ I object

3703 Claborn Austin 78754  
Your address(es) affected by this application

Debbi Klattman  
Signature

8/2/2021  
Date

Daytime Telephone: (512) 799 5902

Comments: The recommendation to change the zoning to a higher density will adversely affect the traffic in the area and increase accidents. Residential and Businesses in the area include: Summerwood, Villa Serena, LT Watorex, the Park (businesses), the Arbors, Bent Tree Apartments and Hampton Park. Street is currently only a 2 lane road and it does not appear there room to expand.

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City of Austin, Planning & Zoning Department  
Sherri Sirwaitis  
P. O. Box 1088, Austin, TX 78767-8810  
Or email to:  
sherri.sirwaitis@austintexas.gov

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**Case Number: C14-2020-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: August 3, Zoning and Platting Commission**

*Thomas D Carter*

Your Name (please print)

*3803 Cima Serena Drive 78759*

Your address(es) affected by this application

*TD Carter*

Signature

*8-2-21*

Date

Daytime Telephone: 512-418-0869

### Comments:

- Current zoning has been/is well suited to adjacent businesses & residences locating during past 50 years.
- Public schools which serve students of this area are already at/above capacity. Adding students of MR (hd.) will only lower levels of education for all students.
- MR (hd.) housing would be of highest disparity from existing businesses and residents
- Forcing MR (hd.) housing will disaccomodate existing majority businesses and residences for sake of accommodating a small minority of new and, disparate residents.
- MR (hd.) is incompatible with existing housing density.
- More people, more, more traffic, more noise—all damaging to existing, surrounding residents and businesses.

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)

☐ I am in favor  
☒ I object

**From:** Mark Walsh  
**To:** [Sirwaitis, Sherri](#)  
**Subject:** Case No. C-14-2021-0100; Rezoning 8176 N MoPac Expressway  
**Date:** Monday, August 2, 2021 10:23:08 PM

---

\*\*\* External Email - Exercise Caution \*\*\*

Subject: Case Number C14-2020-0100, Re-Zoning Request  
Contact: Sherri Sirwaitis  
Public Hearing: August 3, Zoning and Platting Commission

Good afternoon Ms. Sirwaitis,

I received the Notice of Public Hearing for Rezoning on the above-referenced case. I am not able to attend the hearing but would like to register my objection to this rezoning application.

I have lived at 8228 Summer Place Drive for over 30 years and am aware of the traffic patterns and problems surrounding the property at 8176 N. Mopac Expressway SVRD SB. I feel re-zoning this property from LR (Neighborhood Commercial district) to MF-6 (Multifamily Residence (Highest Density)) is inappropriate.

I want to thank the Zoning and Platting Commission for soliciting input from residents within the area. I think this is a wise and important step in the evaluation process. In conclusion, **I object to the rezoning and want to urge the Zoning and Platting Commission to deny the request.**

Respectfully yours,

Mark Walsh  
8228 Summer Place Dr.  
Austin, Tx, 78759  
Daytime telephone: 512-343-1414

**CAUTION:** This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to [cybersecurity@austintexas.gov](mailto:cybersecurity@austintexas.gov).

**From:** Mario L Garcia  
**To:** [Sirwaitis, Sherri](#)  
**Subject:** Case # C14-2020-0100 Public Hearing: August 3, Zoning and Platting Commission:  
**Date:** Tuesday, August 3, 2021 2:44:38 PM

---

\*\*\* External Email - Exercise Caution \*\*\*

To: Sherri Sirwaitis

From: Mario L. Garcia  
8210 Bent Tree Rd. #212  
Austin, TX 78759

Dear Sherri,

I strongly object to the rezoning of 8176 North Mopac Expressway from LR - Neighborhood district to MF-6 Multifamily Residence (High Density) district. I object because this would dramatically increase traffic on Steck Avenue and make it even more dangerous. Two of my neighbors have been hit cars and one the ladys was killed on Steck Ave and Summerside Drive.

Best Regards.

Mario L. Garcia  
512 961 8535

PS: resident of NW Hill since 1981

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to [cybersecurity@austintexas.gov](mailto:cybersecurity@austintexas.gov).



Environmental Services, Inc.

14 May 2021

Mr. Brett Denton  
Ardent Residential  
5453 Burnet Road, Suite 203  
Austin, Texas 78746

**RE: Draft Comprehensive Report – Luby’s Site at Steck and MoPac  
8176 North MoPac Expressway  
Austin, Travis County, Texas  
HJN 21048.001**

Dear Mr. Denton:

Per your request, Horizon has summarized the tasks listed below related to karst features/caves located at the Luby’s restaurant site (subject site) and/or the immediate site vicinity. In addition, the information/reports for each listed task are attached to this letter report.

#### **KARST SURVEY**

The objective of the karst survey was to evaluate the structural development, subgrade extent, and habitat potential for endangered karst invertebrates at approximately 1 geologic feature (F-1). This feature is a subsurface void covered by a storm sewer lid located along the eastern property boundary of Luby’s along the southbound service road for the MoPac Expressway.

Based on the results of the karst survey, feature F-1 meets the requirements to be classified as a cave based on it being a natural underground open space formed by the dissolution of limestone that is large enough for an average-sized person to enter. Horizon staff surveyed/mapped the feature, which has been named **Luby’s Cave** for identification purposes. The total footprint of the cave extends 21 feet from southeast to northwest and 14 feet from east to west, with a total depth of approximately 15 feet. Additionally, Luby’s Cave does not appear to provide habitat for endangered terrestrial karst invertebrates (TKIs) based on its small size and highly variable and/or unstable temperatures/humidity. The karst survey letter report is presented in Attachment A.

#### **TEXAS SPELEOLOGICAL SURVEY FORMAL DATA REQUEST**

Additionally, Horizon submitted a formal written data request to the Texas Speleological Survey (TSS) on 16 April 2021. A formal data request is used where the volume of sensitive data requested is potentially significant and/or where a greater degree of assurance is desired from the requestor that the data will not be misused. This type of request is used in karst areas to obtain further information on caves that may occur in the area.

The results of the TSS data export request showed no apparent cave (entrances) located within the Luby’s site and approximately 4 cave entrances located outside the Luby’s site but within the requested area of interest (i.e., <0.25-mile radius) (see Figures 1 and 2 in Attachment B). The four listed caves are Dead Dog Cave No. 2 (SE driveway entrance into Luby’s), Dead Dog Cave No. 1 (Trap Door Spider Cave, outside western Luby’s property boundary), Dead Dog Cave No. 6 (north of NW entrance into Luby’s under Steck



Boulevard), and Dead Dog Cave No. 4 (due west of Luby's under existing apartment complex). According to TSS, all the cave entrances have been covered by area development. TSS provided cave maps for only Dead Dog Cave No. 2 and Dead Dog Cave No. 1 (Trap Door Spider Cave) (see Attachment B). TSS also provided a written summary and a spreadsheet of data findings (see Attachment B). Luby's Cave (F-1) was not documented by the TSS.

## **EMAILS AND PERSONAL TESTIMONIES**

During the investigation of the subject site, Horizon has corresponded with various individuals via email and phone concerning karst features/caves at the subject site. Select emails from Scott Hiers, PG (City of Austin) are presented in Attachment C. As for phone calls, Horizon contacted Mike Warton (ACI Consulting, Inc.) concerning caves at/near the subject site. Mr. Warton stated that the entrance to Dead Dog Cave No. 2 was located within the southeastern driveway into the Luby's and a manhole was placed over the cave entrance to provide future access into the cave. However, he stated that this manhole was paved over during construction of the Luby's. In addition, Mr. Warton stated that Trap Door Spider Cave (Dead Dog Cave No. 1) was filled/sealed with concrete during construction of the Luby's.

## **GROUND PENETRATING RADAR STUDY**

Based on the results of the TSS formal data request and conversation with Mr. Warton, Horizon recommended conducting a ground penetrating radar (GPR) survey to accurately locate the entrance to Dead Dog Cave No. 2. On 30 April 2021, Round Rock Geophysics of Round Rock, Texas conducted a GPR survey along the southeastern driveway into Luby's. The GPR survey was conducted using an SIR 4000 system from Geophysical Survey Systems, Inc. (GSSI) with a 270-megahertz antenna for maximum resolution and depth. The GPR survey provided details of the subject cave entrance area to an approximate depth of 20 feet below surface grade. GPR field data were collected along several profile lines spaced at 2-foot intervals that crossed the driveway in approximate east-west directions (see Attachment D).

Interpretation of the GPR survey results indicate an asphalt and concrete-covered driveway, several buried utility lines, and the location of a possible manhole with an apparent connected cave passage extending towards the MoPac access road. The manhole is located off-site within a Texas Department of Transportation (TxDOT) right-of-way (ROW) approximately 70 feet from the start of GPR profile lines 1, 3, and 5. Additionally, the location of the manhole was marked on the ground with spray paint by the GPR survey crew (see Attachment D). Based on the results of the GPR study, the former entrance to Dead Dog Cave No. 2 is located off-site within the southeastern driveway entrance into Luby's; however, it has been paved over with concrete and is not accessible in its present condition. The manhole location, according to the GPR survey, is very close to where TSS shows the original entrance to Dead Dog Cave No. 2.

## **CONCLUSIONS AND RECOMMENDATIONS**


Based upon the results of the karst feature investigation, Luby's Cave (F-1) does not provide habitat for endangered karst invertebrates and no biological collections are recommended. It is Horizon's opinion that Luby's Cave (F-1) would not qualify as a critical environmental feature (CEF) with an associated setback buffer due to its nature (i.e., interstitial, apparently encountered during previous City of Austin utility construction), current developed site conditions, the fact that its surface expression was covered with a City of Austin manhole, and the presence of an underground City of Austin wastewater line within the feature.

Based on the results of the TSS data request and the GPR survey, the entrance to Dead Dog Cave No. 2 is located off-site within the southeastern access driveway to the Luby's site. It is Horizon's opinion that Dead Dog Cave No. 2 would not qualify as a CEF with an associated setback buffer due to current site conditions (i.e., it has been entirely paved over with concrete for the past 40 years and there is a manhole within the TxDOT ROW). Horizon does not recommend any further action since this location has been verified by three reliable sources (TSS, Mr. Warton, and Round Rock Geophysics).

Based on the results of the TSS data request and conversation with Mr. Warton, the entrance to Dead Dog Cave No. 1 (Trap Door Spider Cave) is located off-site from the Luby's site. It is Horizon's opinion that Dead Dog Cave No. 1 (Trap Door Spider Cave) does not qualify as a CEF with an associated setback buffer due to its reported status (i.e., concrete filled/sealed during past construction) and current developed site conditions (it has been covered by an asphalt driveway for the past 40 years).

Horizon appreciates the opportunity to be of service to you and provide this comprehensive letter report. Please contact us if you have any questions or require additional information.

For Horizon Environmental Services, Inc.  
Registered TBPG Firm No. 50488

  
James Killian, P.G.<sup>1</sup>  
Senior Geologist – Horizon



## ATTACHMENTS

Attachment A: Karst Survey Letter Report – F-1 (Luby's Cave)  
Attachment B: Texas Speleological Survey (TSS) Data – Luby's  
Attachment C: Email correspondence - Karst features/caves at Luby's  
Attachment D: Ground Penetrating Radar (GPR) Report – Luby's (SE driveway entrance)

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<sup>1</sup> Registered Professional Geologist, State of Texas

**ATTACHMENT A**  
**KARST SURVEY REPORT**





Environmental Services, Inc.

27 April 2021

Mr. Brett Denton  
Arden Residential  
5453 Burnet Road, Suite 203  
Austin, Texas 78746

**RE: Environmental Resource Inventory – Luby’s at Steck and MoPac  
Austin, Travis County, Texas  
HJN 21048.001**

Dear Mr. Denton:

Per your request, Horizon has investigated 1 geologic feature that was apparently covered by a storm sewer lid at the subject site.

## **KARST SURVEY METHODOLOGY**

The objective of this exploration was to evaluate the structural development, subgrade extent, and habitat potential for endangered karst invertebrates at approximately 1 geologic feature (F-1).

Tasks included surveying/mapping of any subgrade void space and determining habitat potential for endangered karst invertebrates.

## **KARST SURVEY RESULTS**

The investigations of the subject feature occurred 26 April 2021. The feature is described as follows:

Geologic feature F-1 is a subsurface void covered by a storm sewer lid located along the eastern property boundary of Luby’s along the southbound service road for the MoPac Expressway (Loop 1). Inside the void and below the lid, there is no associated stormwater infrastructure, such as a manhole and/or stormwater line. The feature was likely interstitial with no connection to the surface prior to the utility (wastewater line) construction in the unpaved right-of-way area. After entering through the opening, the feature enlarges into one small room about 5 to 6 feet high with a lowering of the ceiling towards the west. The east side of the void is completely walled off by concrete from an existing wastewater line and associated fill material. Along the wastewater line, the void extends approximately 5 feet to the south and 7.5 feet to the north. Across the entire length of the room near the wastewater line (azimuth: N351W) are two 2-inch-diameter steel pipes that appear to be additional underground utility lines. The furthest lateral extent of the void is approximately 14 feet to the northwest (azimuth: N331W) where the ceiling lowers at a headwall and continues for another 3 feet before becoming too low to follow. Approximately 11.5 feet due

west from the entrance is a rimrock dam with constant dripping water entering through a small cavity opening from the west. This apparent inflow of water drains down underneath a headwall into what appears to be another low bedding plane void, but is inaccessible due to large boulders and breakdown blocking the pathway. Any potential dig leads found within the room were inaccessible due to large breakdown and/or low ceiling heights. This feature meets the requirements to be classified as a **cave** based on it being a natural underground open space formed by the dissolution of limestone that is large enough for an average-sized person to enter. On 26 April 2021, Horizon staff conducted a short survey and map of the feature, which has been named **Luby's Cave** for identification purposes. The total footprint of the cave extends 21 feet from southeast to northwest and 14 feet from east to west, with a total depth of approximately 15 feet.

## KARST FEATURE ASSESSMENT

In Central Texas, cave development and potential karst invertebrate species habitat usually occur within the more porous and/or solutioned stratigraphic members of the Edwards Formation. Caves that have developed within the Edwards via a natural entrance path (i.e., sinkhole, solution cavity, or solution-enlarged fracture) frequently provide more suitable conditions for karst invertebrates. However, if a cave develops within the Edwards and does not have a natural connection to the surface (i.e., interstitial), the cave or void is usually a sterile environment (void of organisms). Unsuitable habitat occurs because there is no surface connection that allows organic materials into the cave to sustain any invertebrate life forms. Caves that do have a surface connection also require sufficient depth and/or extent to provide stable temperature and humidity. All these factors are examined and reviewed in determining the potential for karst invertebrate species habitat in the subgrade.

The results of the Karst Survey have identified 1 geologic feature (F-1) at the subject site that has sufficient subsurface development to be classified as a **cave**. The standards established by the Texas Speleological Survey (TSS) require a karst feature to have, at a minimum, 15 feet of human-traversable subterranean passage to be properly classified as a cave. This distance may be vertical, horizontal, or a combination of both.

During exploration of the cave, a constant search for biological life forms was made; however, no troglobitic or endangered cave-dwelling species (invertebrates) were found. Cave feature F-1 (**Luby's Cave**) does not appear to provide habitat for endangered terrestrial karst invertebrates (TKIs) based on highly variable or unstable temperatures and humidity. This cave feature was closely inspected and contained sufficient moisture input to provide potential habitat for endangered TKIs; however, its existing configuration severely limits favorable conditions in which additional subgrade development would occur. Feature development appears to have been massively infilled with soils and/or restrictive to the shallow subsurface and, as a result, is subjected to radical seasonal temperature and moisture changes.

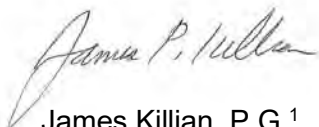
## RECOMMENDATIONS

Based upon the results of the karst feature investigation, no biological collections (i.e., Phase III Karst Survey) are recommended for this cave feature (F-1). In addition, further consultation with the City of Austin is recommended to determine if this feature would qualify as a critical environmental feature (CEF) with an associated setback buffer, if applicable, due to current site conditions and/or existing underground utility infrastructure.

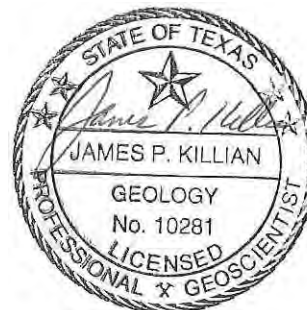
Based on the identified geologic information, a moderate potential exists that subsurface voids may be encountered during any proposed construction or grading activities. If such voids are encountered, excavation should stop immediately, and a qualified karst geologist should be contacted to perform an inspection of the voids.

Horizon appreciates the opportunity to be of service to you and provide this letter report. Please contact us if you have any questions or require additional information.

For Horizon Environmental Services, Inc.  
Registered TBPB Firm No. 50488



James Killian, P.G.<sup>1</sup>  
Senior Geologist – Horizon



## REFERENCES

(Nearmap) Nearmap US PhotoMaps. Created by Nearmap\_Engineering 20 April 2017. Imagery date 16 April 2021.

(OSM) OpenStreetMap contributors. Open Street Map, <<http://www.openstreetmap.org>>. Available under the Open Database License ([www.opendatacommons.org/licenses/odbl](http://www.opendatacommons.org/licenses/odbl)). Accessed 16 April 2021.

(UT-BEG) The University of Texas at Austin Bureau of Economic Geology; C.V. Proctor, Jr., T.E. Brown, J.H. McGowen, N.B. Waechter, and V.E. Barnes. *Geologic Atlas of Texas*, Austin Sheet. Francis Luther Whitney Memorial Edition. Revised 1995.

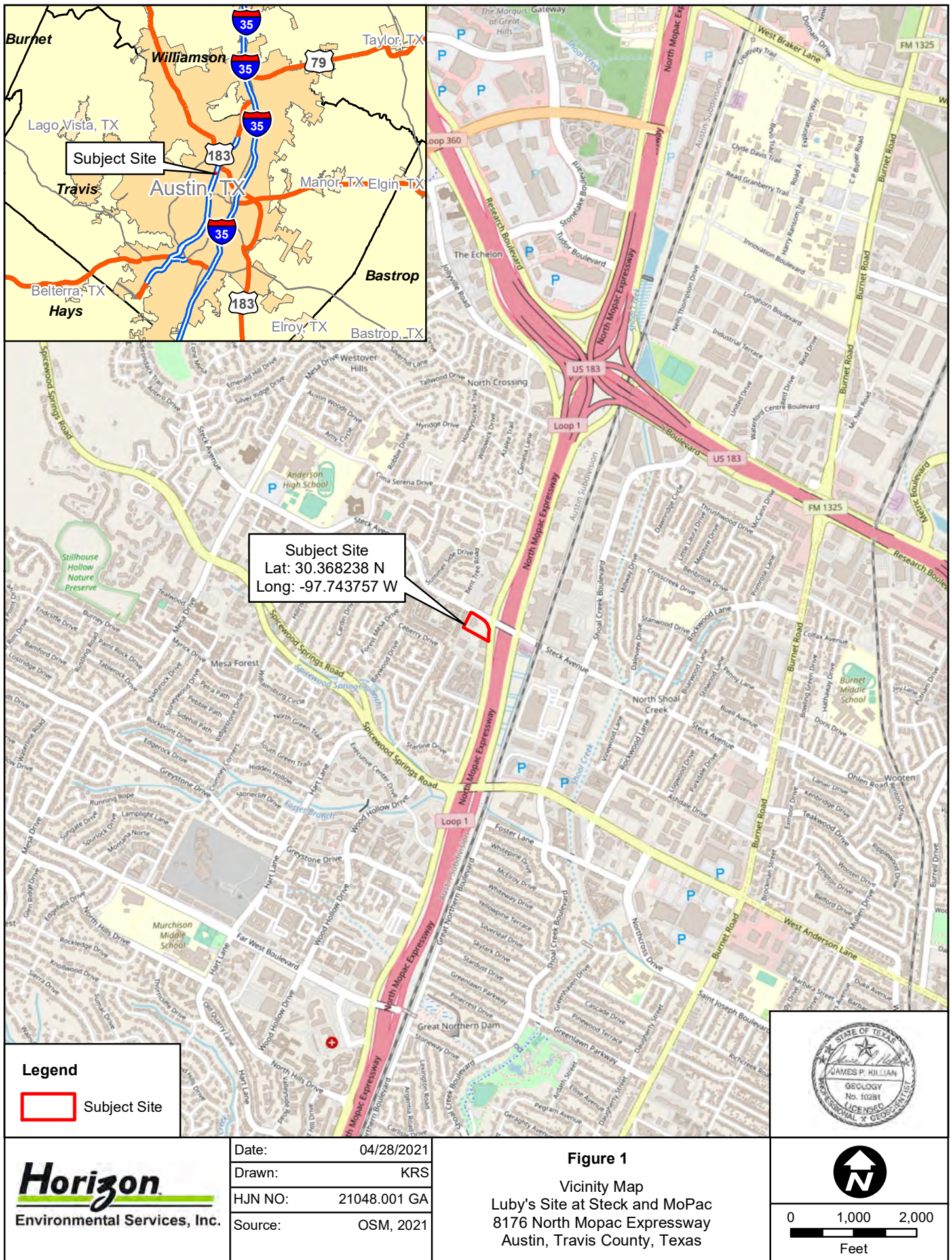
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<sup>1</sup> Registered Professional Geologist, State of Texas

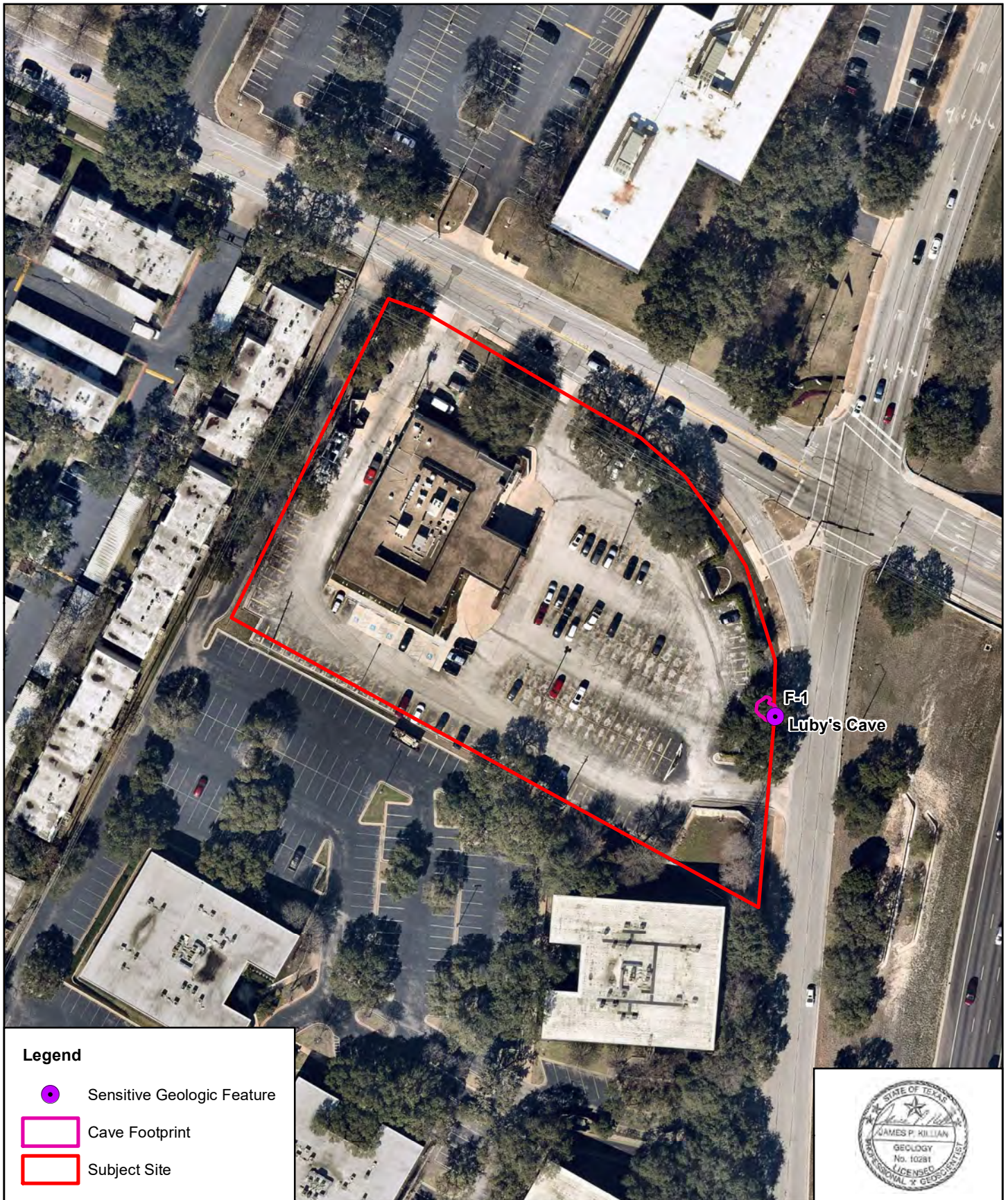
## APPENDIX A

### FIGURES












#### Legend

-  Sensitive Geologic Feature
-  Cave Footprint
-  Subject Site

**Horizon**  
Environmental Services, Inc.

Date:	04/28/2021
Drawn:	KRS
HJN NO:	21048.001 GA
Source:	Nearmap, 2021

**Figure 2**  
Geologic Feature Map  
Luby's Site at Steck and MoPac  
8176 North Mopac Expressway  
Austin, Travis County, Texas

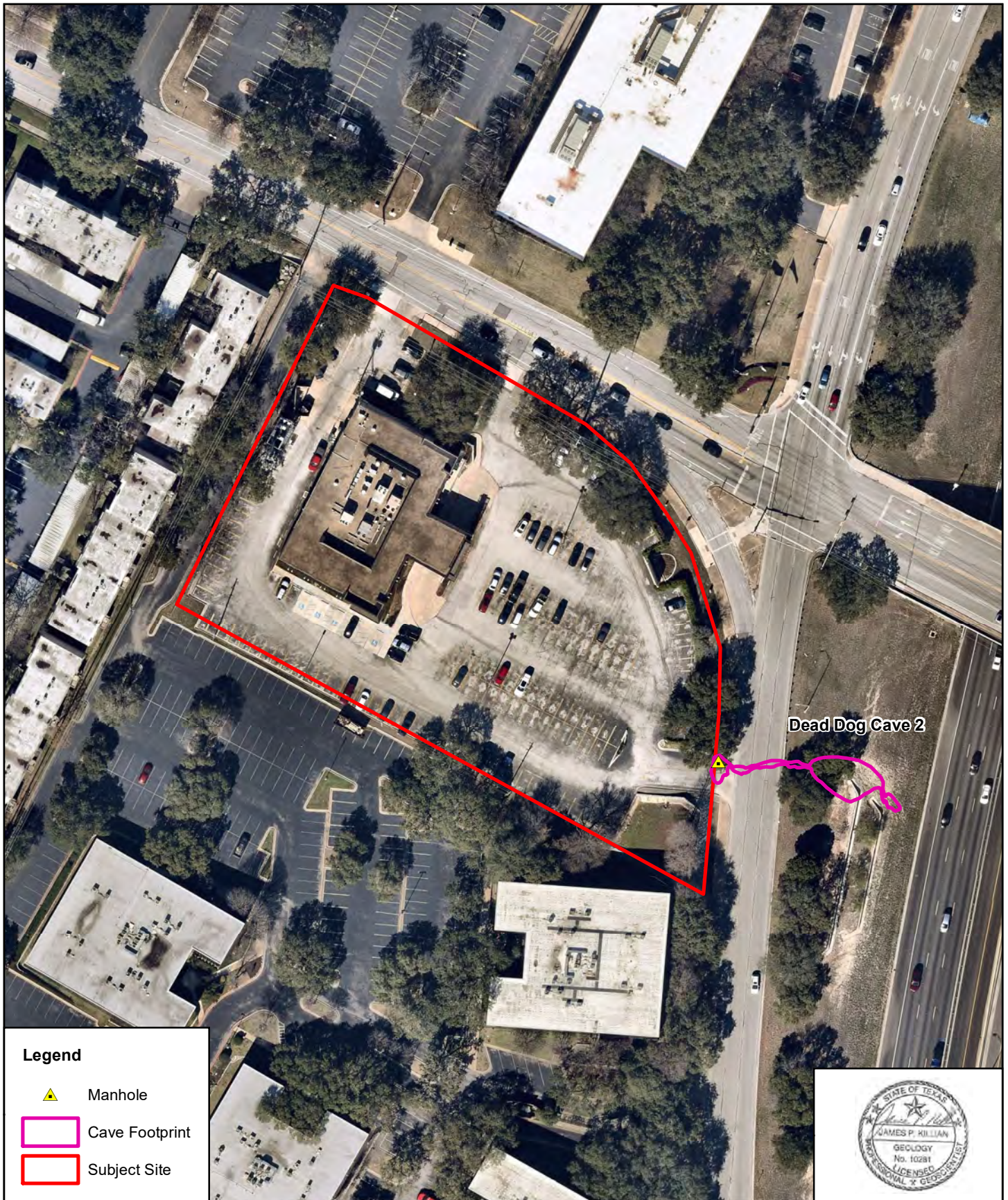


0 50 100  
Feet









**Horizon**  
Environmental Services, Inc.

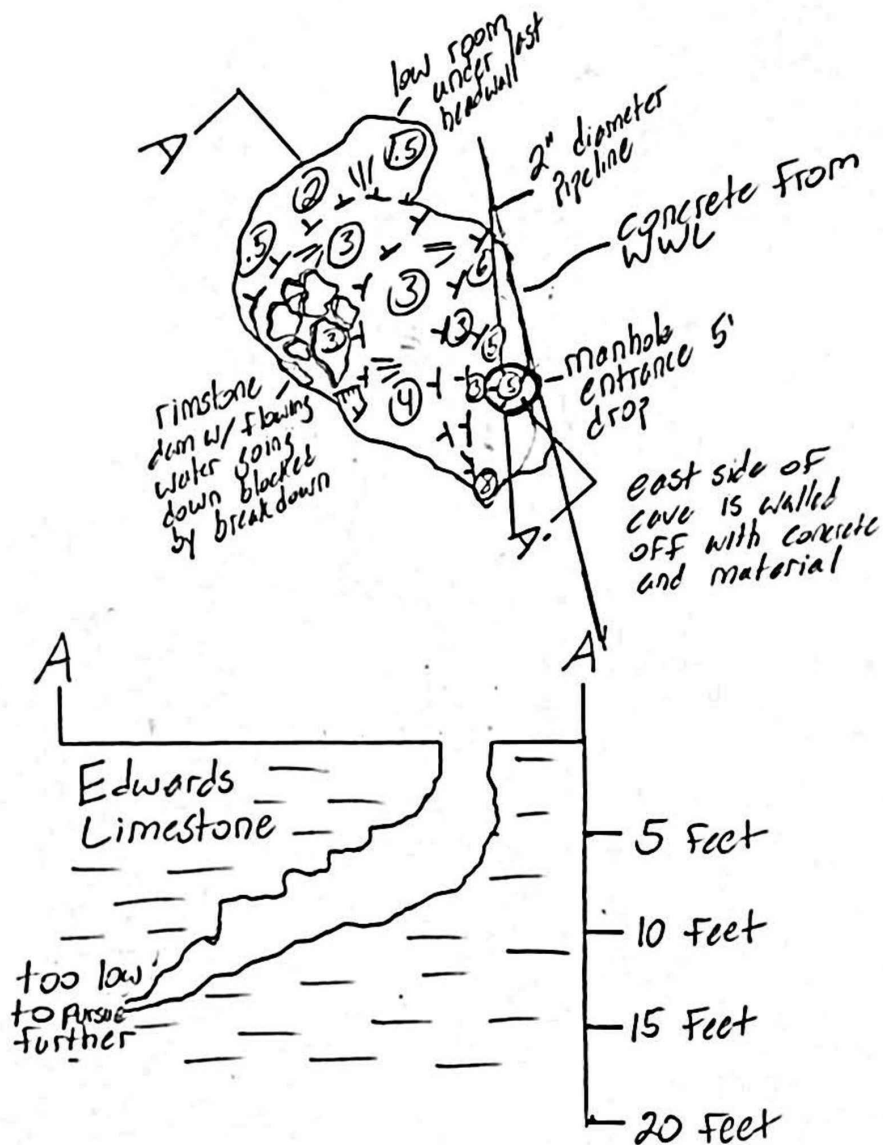
Date: 05/14/2021  
 Drawn: KRS  
 HJN NO: 21048.001 GA  
 Source: Nearmap, 2021

**Figure 4**  
 Dead Dog Cave Footprint and  
 Manhole Location Map  
 Luby's Site at Steck and MoPac  
 8176 North Mopac Expressway  
 Austin, Travis County, Texas



0 50 100  
 Feet





**APPENDIX B**  
**PHOTOGRAPHS**





**PHOTO 1**  
**View of geologic feature F-1 (cave), facing north**



**PHOTO 2**  
**View of F-1 entrance covered by storm sewer lid, facing down**



**PHOTO 3**  
**View of geologic feature F-1 (cave entrance), facing up**



**PHOTO 4**  
**View of eastern side of cave walled off by concrete from wastewater line (WWL), facing east**





**PHOTO 5**  
**View of rimstone dam with dripping water, facing west**



**PHOTO 6**  
**Closer view of rimstone dam with water draining under flowstone headwall, facing west**



**PHOTO 7**  
**View of southern wall of cave, facing south**



**PHOTO 8**  
**View of 2-inch-diameter buried steel piping running through cave next to WWL, facing north**



**PHOTO 9**  
**View of northern wall of cave, facing north**



**PHOTO 10**  
**View of low bedding plane room to the northwest underneath final headwall, facing northwest**

**ATTACHMENT B**

**TSS DATA**



Summary of TSS data export for Horizon Environmental Services 4-16-21 data request.

The data export includes 4 caves located inside or on the edges of the indicated interest area. All of the cave entrances have been covered by development.

The included shape file contains location data.

The included Excel file contains memo fields for feature description and biological data. Copy cell contents into a text editor such as MSWord for improved readability. Note that the description for Dead Dog Cave #4 more closely matches the location of Dead Dog Cave #6.

Three map pages were found in our files. No photos were found.

Marvin Miller





**Legend**

- TSS Cave Data
- Subject Site

**Horizon**  
Environmental Services, Inc.

Date:	05/02/2021
Drawn:	SBF
HJN NO:	21048.001 PA
Source:	Nearmap, 2021 TSS, 2021

**Figure 1**

Texas Speleological Survey Data  
Luby's Site at Steck and MoPac  
8176 North MoPac Expressway  
Austin, Travis County, Texas



0 75 150  
Feet



**ATTACHMENT C**  
**EMAIL CORRESPONDENCE**

**From:** [Hiers, Scott](#)  
**To:** [James Killian](#)  
**Cc:** [Sydow, Lindsey](#); [Markowski, Michael](#); [Andrews, Alan](#); [Rice, Radmon](#); [Brown, Eric](#)  
**Subject:** Dead Dog Cave  
**Date:** Monday, April 19, 2021 1:35:31 PM  
**Attachments:** [Trails and Tales of Old Austin and Travis County - Dead Dog Cave!.pdf](#)  
[TSS Dead Dog Cave 2 map \(Fieseler 1972\).tif](#)  
[TSS Dead Dog Cave 2 map \(Kastning 1983\).tif](#)

---

**[EXTERNAL EMAIL]**

Hi James,

The City of Austin Watershed Protection Department does not have a location for Dead Dog Cave. The only information we have is the attached cave map and article from Trails and Tales of Old Austin. Sounds like a manhole cover was installed to permit access to the cave, but was paved over when the Luby's was built. I would recommend reaching out to the Texas Speleological Society (TSS). Perhaps, they have more information. Any information that you find on the cave, please pass it along to me.

Thanks!

Scott E. Hiers, P.G.  
City of Austin – Watershed Protection Dept.  
505 Barton Springs Rd.  
Austin, TX 78704  
512-974-1916  
512-217-5047

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Sunday, September 2, 2018

## Dead Dog Cave!

This is an expanded post of my history article for the September 2018 issue of the Northwest Austin Civic Association (NWACA) newsletter (<http://nwaca.org/newsletter/>)

Recently the world held its breath as boys and coach of a Thai soccer team were stranded in a cave. Our neighborhood had its own cave drama, albeit not on the scale of the Thai soccer team. I'm referring to Dead Dog Cave[1], its entrance now buried beneath Luby's parking lot near Steck and Mopac Service Road.

The cave was first brought to the attention of cavers about 1958. A gentleman exploring a sink hole crossed a ledge which gave way, climber and rock falling to the bottom of the sink. Subsequent exploration and removal of dirt, rocks, and dog bones (hence the name) revealed a cave 175 feet long, with a depth of 91 feet.

The cave features tight crawl spaces only 8 inches wide; not for the claustrophobic! At one point a narrow vertical passage opens in the ceiling of a walking-size passage. The walking passage extends 15 feet to a six-foot drop into the "Big Room," a room 60 feet long, 30 feet wide, and 30 feet high. Big by Travis County cave standards. The drop into the Big Room is undercut and unclimbable without climbing aids. Inside the Big Room, from a fissure issues a small stream creating a waterfall which falls to the floor creating an area of flowstone. The water flows to a small drain at the lowest point in the cave, 91 feet below the surface.

Even though relatively few braved the difficult path to the Big Room, the cave had a reputation among cavers. The cave also had a reputation among teens!

July 5, 1978, three teenagers from the neighborhood decided to visit the cave. The trip was uneventful until the three attempted to exit. The boy in the lead became pinned in a two-foot-wide passage, 25 feet from the surface by a cave-in, rocks crushing his legs several inches below his hips. The exit thus blocked, his friends behind him were trapped as well. It was about 8:30 pm when the call went out for help from an adult who had gone with the teens, staying near the entrance, presumably for just this reason.

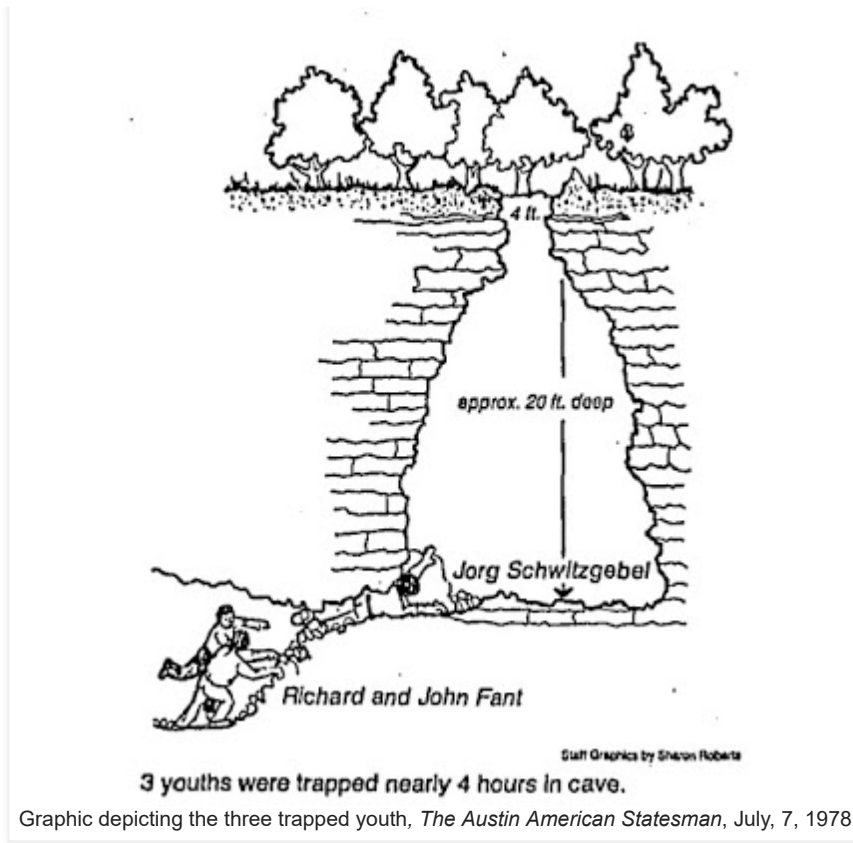
First on the scene was the Fire Department but they were unable to free the boy using a rope, at which time cavers from the Austin Cave Club were called in for assistance. The plan then was to dig out the loose rocks holding the boy in the narrow passage. The most effective implement was a coffee can from the Red Cross truck that had arrived to provide refreshment for the rescuers. After hours of digging the boy was freed about 12:30 am as applause rang out from a crowd of

hundreds of onlookers. "All I could think of," said the boy "was that if the rest came down I would be dead."

That was not the first incident at Dead Dog Cave. Another gentleman told me he got stuck in 1959 when he was a 10th grader at McCallum High; once again cavers came to the rescue. But speculation on the 1978 incident was that construction activities for the extension of MoPac had destabilized the cave leading to the cave-in that pinned the teen. State highway engineers made plans to close the cave with concrete. Cavers talked with engineers, and they agreed to include a manhole cover to permit access to the cave. Unfortunately, when Luby's was built, the significance of that manhole was not appreciated and was paved over, cutting off access to the infamous Dead Dog Cave!

## Photos





## Footnote, References

[1] The cave is officially known as Dead Dog Cave #2 (yes, there is a Dead Dog Cave #1), and also as Steck Cave. Here I'll refer to it simply as Dead Dog Cave. My thanks to Jerry Atkinson for his help on this article, and William Russell for use of his write-up, "Major and significant caves and karst features of Travis County, Texas." Texas Speleological Survey, Austin, Texas (in publication 2018).

Kelly, Lee. "Cave-in won't stop teens: Better preparation planned for next exploration", *The Austin American Statesman*, Nov 19, 1978

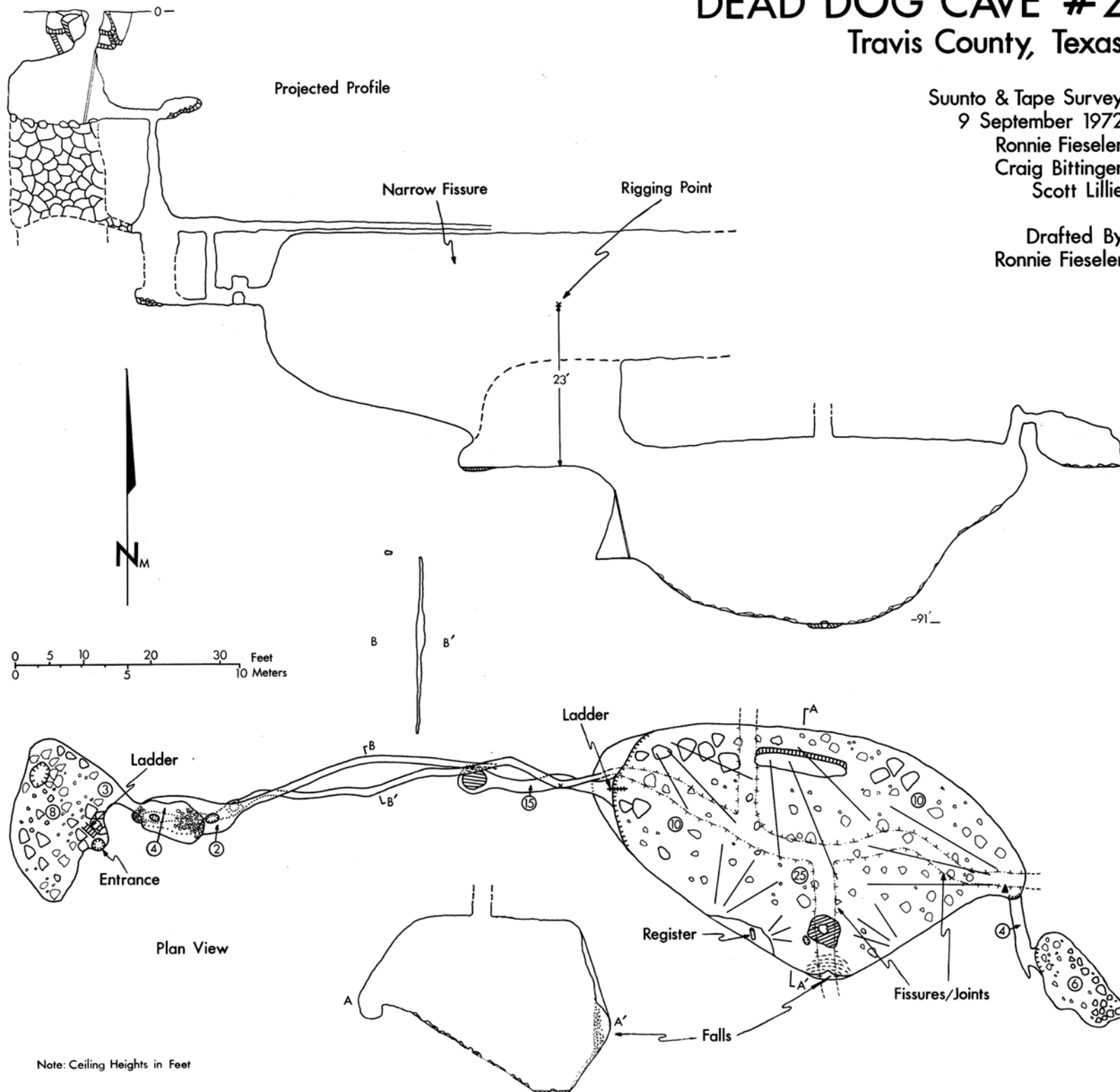
Turner, Allan. "Youngsters avoid injury in cave-in; entrance sealed", *The Austin American Statesman*, July 6, 1978

Turner, Allan. "Cave where 3 trapped one of hundreds here", *The Austin American Statesman*, July, 7, 1978

DEAD DOG CAVE #2  
Travis County, Texas

Suunto & Tape Survey  
9 September 1972  
Ronnie Fieseler  
Craig Bittinger  
Scott Lillie

Drafted By  
Ronnie Fieseler



Note: Ceiling Heights in Feet



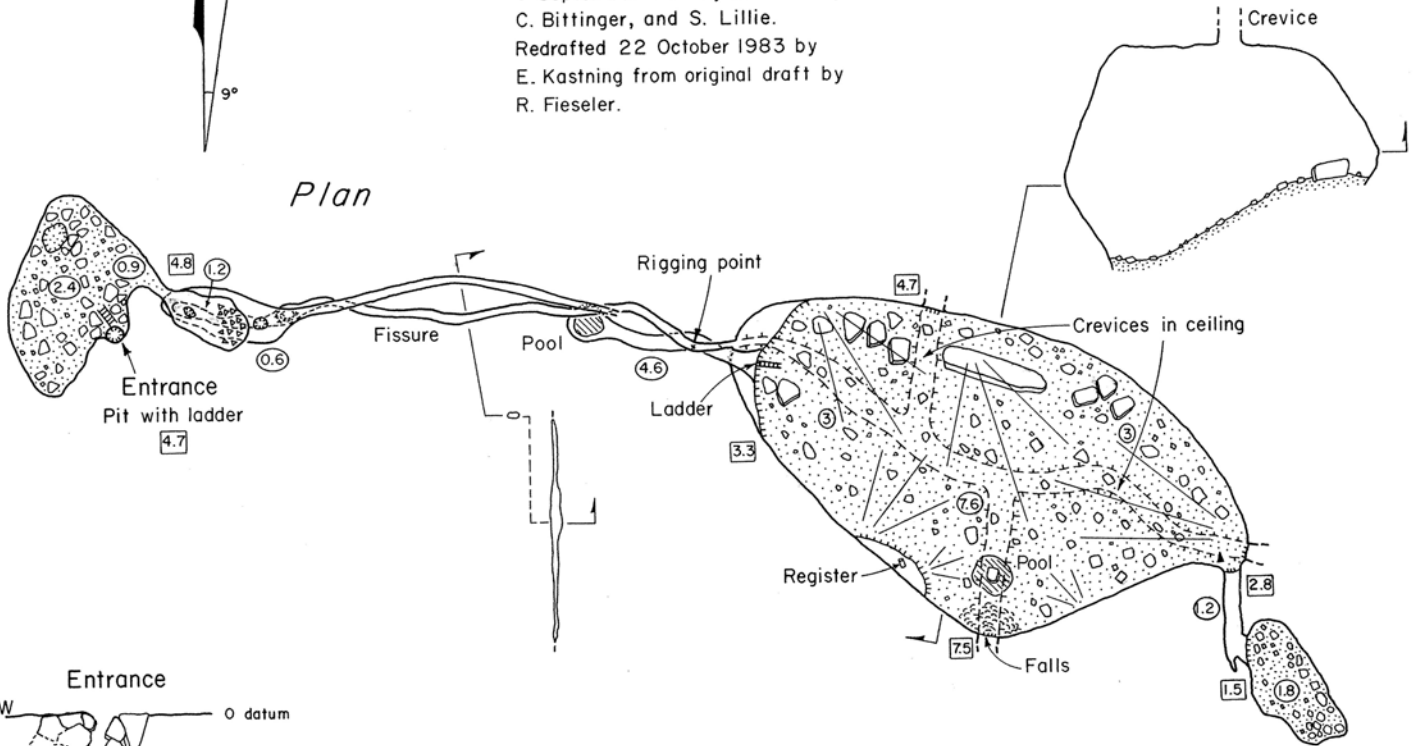
# DEAD DOG CAVE No. 2

TRAVIS COUNTY, TEXAS

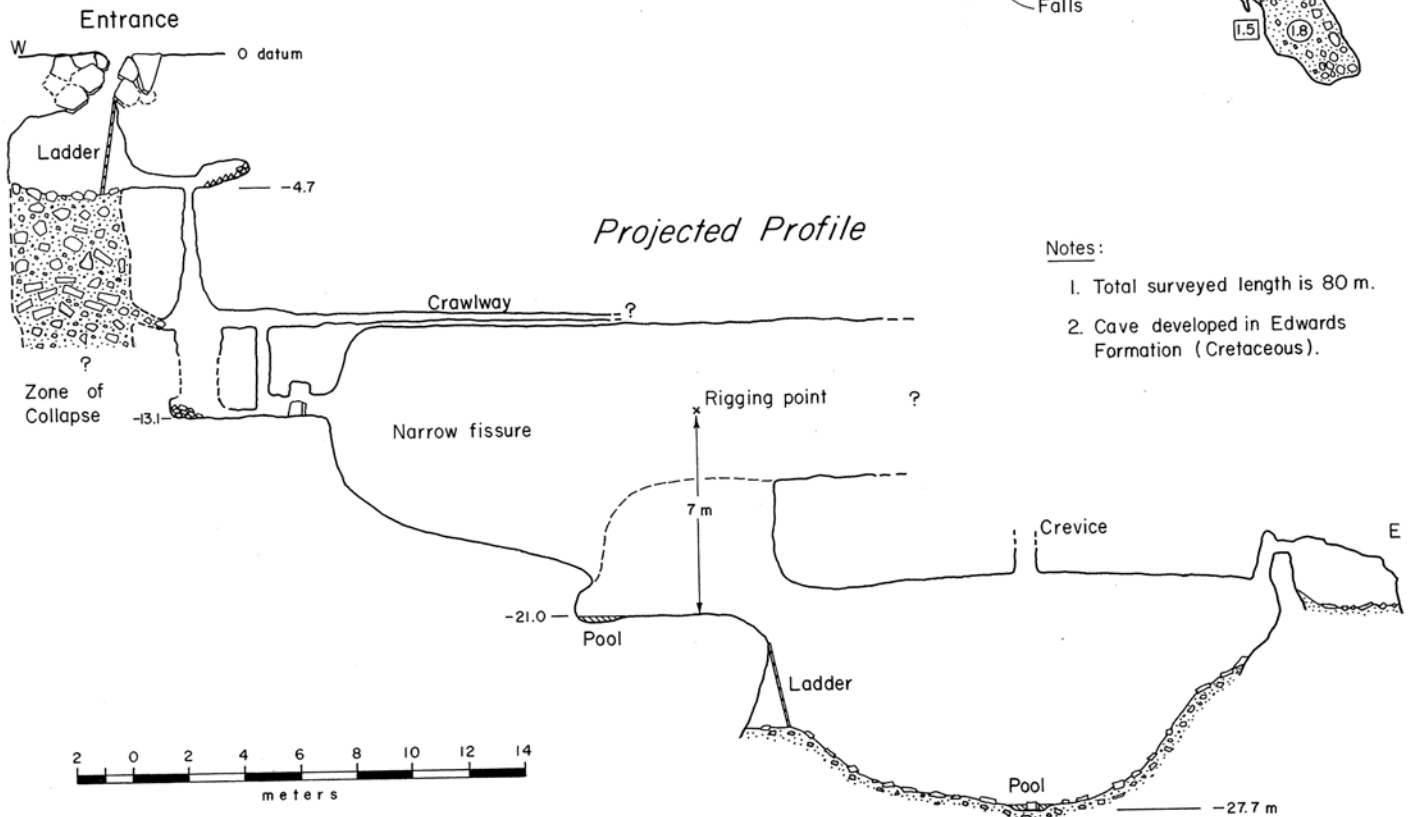
Suunto compass and tape survey  
9 September 1972 by R. Fieseler,  
C. Bittinger, and S. Lillie.  
Redrafted 22 October 1983 by  
E. Kastning from original draft by  
R. Fieseler.



*Plan*

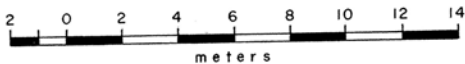


*Projected Profile*



## Notes:

1. Total surveyed length is 80 m.
2. Cave developed in Edwards Formation (Cretaceous).



**From:** [Hiers, Scott](#)  
**To:** [James Killian](#)  
**Cc:** [Sydow, Lindsey](#); [Markowski, Michael](#); [Andrews, Alan](#); [Rice, Radmon](#); [Brown, Eric](#); [Hauwert, Nico](#)  
**Subject:** RE: Dead Dog Cave  
**Date:** Monday, April 19, 2021 3:29:56 PM  
**Attachments:** [Dead Dog Cave 06 Jul 1978, 1 - Austin American-Statesman at Newspapers.com.pdf](#)  
[Dead Dog 19 Nov 1978, 28 - Austin American-Statesman at Newspapers.com.pdf](#)  
[16 Mar 1989, 25 - Austin American-Statesman at Newspapers.com.pdf](#)  
[Dead Dog Cave Austin American Statesman Thu Mar 16 1989 page 2 .pdf](#)

---

**[EXTERNAL EMAIL]**

All,

I found this Austin American Stateman articles.

Scott E. Hiers, P.G.  
City of Austin – Watershed Protection Dept.  
505 Barton Springs Rd.  
Austin, TX 78704  
512-974-1916  
512-217-5047

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**From:** Hiers, Scott  
**Sent:** Monday, April 19, 2021 1:35 PM  
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**Subject:** Dead Dog Cave

Hi James,

The City of Austin Watershed Protection Department does not have an location for Dead Dog Cave. The only information we have is the attached cave map and article form Trails and Tales of Old Austin. Sounds like a manhole cover was installed to permit access to the cave, but was paved over

when the Luby's was built. I would recommend reaching out the Texas Speleological Society (TSS). Perhaps, they have more information. Any information that you find on the cave, please pass it along to me.

Thanks!

Scott E. Hiers, P.G.  
City of Austin – Watershed Protection Dept.  
505 Barton Springs Rd.  
Austin, TX 78704  
512-974-1916  
512-217-5047

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Jorg Schwitzgebel, left, and John Fant at Dead Dog Cave.

## Cave-in won't stop teens

Better preparation planned for next exploration

By LEE KELLY

Austin American-Statesman

Despite some serious bruises, minor injuries and a massive rescue effort, two modern-day Flint Flints trapped for five hours in a Northwest Tarrant cave last July say they are ready to explore the subterranean depths again.

But this time the youths say they'll climb into a safer cave—and they'll be better prepared.

Jorg Schwitzgebel, 14, and John Fant, 15, can still recall the adrenaline-fueled thoughts of death haunting them when they were trapped. Still, they say that dangers exist in the small limestone caves that are tucked under the surface of Central Texas and they plan to follow the advice of professional cavers on future trips.

The two teenagers, and Paul's younger brother, Richard, 13, were climbing out of Dead Dog Cave four months ago when a perilous collapse, immobilizing Jorg and cutting off their exit. A friend outside the cave brought a team of fire, police and medical personnel who spent hours rescuing the trio.

Today, with two-year intervals, the two older boys say they weren't frightened as they lay amidst the stalactites, stalagmites and jagged ledges listening to workers scrape away mud and rocks to free the cave's entrance.

"We weren't scared. We were bored," John says.

Really?

"Well, Jorg at first was yelling, 'I'm the rescuer.' Please tell me if I'm going to die. But he was really just worried he would lose his legs," John says.

Jorg adds in confirmation:

"And I was worried for a bit if they just packed Jorg out, the 125-pounder, right on him would fall down on me." John says. "Richard was asleep in another part of the cave most of the time."

Jorg's legs were purple and swollen for three days but all three boys were released safely and without permanent injury.

The cave they were trapped in was sealed with a boulder shortly after their accident, but on a visit to the site recently the youths discovered a new opening in the cave had been made. They hoped a photographer could see the new entrance.

Now, another cave is on one surrounded by brush and trees not far from their houses has aroused their curiosity, they say.

And this time they say they'll follow advice offered by the University Speleological Society, a cavers organization at the University of Texas, whose members were instrumental in their rescue.

"We'll be cautious," Jorg says. "It's not near a recreation area and we'll be wearing all the safety rules of cave exploring."

"We'll be prepared," John says. "Last time we weren't. We didn't have ropes, water or strong flashlights and I had on a summer short. It got cold."

They did have a third person stationed above ground who alerted rescue workers to their plight, but this time they say they'll follow all the safety rules of cave exploring.

According to Speleological Society member Ernest Bantling, "Cave exploring is safe if the proper techniques and safety procedures are learned."

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thursday  
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July 6, 1978

# Austin American-Statesman

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hot

Partly cloudy and continued  
high temperatures. High, upper  
90s. Low, upper 70s. Dews, 42°

## Nurses show special session inn sight

• Tax (does pour in, B1)

By JIM BAKER

American-Statesman Staff

When the state's 181 legislators descend on the Capitol next week for the special session, they may be spending more time looking for lodging than worrying about tax relief.

There's no room in the hills of Austin.

You see, there will be 4,300 nurses and 180 members of the Texas Medical Association in town, plus several hundred officials and contractors who normally come here for the annual meeting of every month to attend the Highway Department bid-letting.

"It's tight," said Chamber of Commerce executive director V. M. Mather. "Any time you have 4,300 people come to town, there just isn't any hotel space left."

John Bogardus, manager of the Driskill Hotel, said the timing of the special session "usually" have been here for the hotel business in Austin. "It's not that the nurses, who come to town annually at this time for a history of exams, have had trouble at times in finding rooms."

"We never turn anyone away," Bogardus said. "We find them accommodations somewhere or arrange for transfer at our expense."

"This just points up the need for more hotel rooms in Austin. We just don't have enough rooms to handle large gatherings. You find the convention center getting the Dallas-McCombs San Antonio triangle and starting all over again. They'd like to come in Austin, but we just don't have the rooms."

Out-of-town legislators may not be aware of the room crunch yet. Few calls have been made in either the House or Senate offices for help in finding rooms or apartments.



Firefighter climbs into hole where three teens were trapped.

## Trapped for 4 hours 3 youths rescued after cave ordeal

By RON POWELL, KIM TYSON

American-Statesman Staff

Three youths were trapped inside a cave in Northwest Austin for about four hours Wednesday night after a portion of the underground passageway collapsed as they were climbing out.

Although one of the youths was injured by rocks on his leg, complicating the rescue efforts, none seemed to be seriously injured as they were lifted from the deep opening, about 10 yards west of the Block Avenue-Salamon Drive intersection, at 12:15 a.m. today.

The cave in and rescue efforts drew a swarm of fire, police and medical personnel to the cave entrance, about 8 p.m. A crowd of 100 to 200 spectators lined the fringe of the area as the drama unfolded past midnight.

Although one of the youths was injured by rocks on his leg, complicating the rescue efforts, none seemed to be seriously injured as they were lifted from the deep opening, about 10 yards west of the Block Avenue-Salamon Drive intersection, at 12:15 a.m. today.

The cave in and rescue efforts drew a swarm of fire, police and medical personnel to the cave entrance, about 8 p.m. A crowd of 100 to 200 spectators lined the fringe of the area as the drama unfolded past midnight.

Schwartzkopf had been trapped near the entrance by rocks, authorities said. The other two were further back in the bowels of the tunnel.

Schwartzkopf explained how he had become trapped. "I was coming up and it was a little hole and it caved in," he said.

His mother bent over him after he was placed on a stretcher and asked, "Are you hurt?"

"Stiff," the youth responded. "I'm going to need a pair of shoes."

Speakers, who helped authorities clear up the cave opening and rescue the youths, speculated that the youths had been trapped by loose limestone inside the cave, probably shaken by repeated 20-minute blasting in the area, where McFarlane Freeway is under construction.

When the three youths went inside the cave Wednesday evening, they left a 30-year-old relative of the Fatts, who did not want to be identified, at the cave entrance. He was able to escape the cave in and came out safely.

"These youths (exploring the cave) was to have one in the main room. They didn't go out for them this time," explained former Mayor Fatts.

According to the speakers at the scene, the deep opening is well-known locally as "Dead End Cave."

Authorities spent several hours removing much of the earth trapping young Schwartzkopf, but his feet still were stuck at midnight. When his mother, Edwidge Fatts, was alone over, authorities explained.

Police had been called to the scene after a fireman had fallen to a hard man, Melvin Pick of 1810 Bravard Lane, who said he was driving on Stock when he was stopped by a truck driver who had hit him at the cave.

The truck driver "said he had hit some kids playing and the next thing he saw was dust flying," said Pick. "He looked like he'd been digging. His clothes were scratched from rocks. Three of them were bleeding."

## Jail controversy

### Audit turned up commission, company link

Second of four parts

"I personally feel that the conflict of interest finding is legitimate and is the most serious finding that resulted from the audit. Any report should address this finding fully."

—From a memo by Justice, Attorney General

Within the day he resigned.

By DICK STANLEY

American-Statesman Staff

Marion Whitson told that his professional integrity as a certified public accountant was at issue when he resigned from the governor's Criminal Justice Division July 13, 1977. It was either that or sign, at the request of Executive Director Robert Powers, a revised version of his audit of the Texas Commission on Jail Standards.

Whitson resigned because the revision threw out the audit's central conclusion: that Gov. Dolph Briscoe's commission appointee, David Hall Voughtland, had not limited the commission as to whether to promulgate jail construction standards susceptible to defeat in court. Voughtland is chairman and president of Southern Steel Co., for 30 years a San Antonio manufacturer and exporter of jail equipment.

Powers said he considered the issue dead since Voughtland resigned the month before. But if Voughtland was no longer commission vice chairman nor on his hiring and construction standards subcommittee, he was still in constant contact with the federally funded agency.

Powers accepted his resignation with one hand and with the other requested him as

the governor's personal adviser on Texas jail. Today, Voughtland still attends commission meetings.

"The standards have been adopted," said Whitson from his new home in Tarkenton, N.M., "and they call for more close supervision from the federal guidelines. Southern Steel will go on getting the business simply because no other manufacturer can afford the freight rates to get the steel shipped to Texas."

Despite Whitson's protest, the criminal justice division shelved the audit. Powers said recently, however, that the auditing commission quietly took care of the problems the audit surfaced. Powers called that giving "an instant agency a chance to get it on its feet." The audit, he said, is being rewritten and will be released shortly.

Sources of the division, however, said the audit stopped cold when Whitson resigned. They said it only recently was requested when a reporter began asking questions about it. The same-to-be-revised version, they said, will announce that the conflict between the standards and Southern Steel have been resolved.

Even if that is true, the standards commission will have a long way to go before it even partially can erase the picture painted of it by Whitson's audit. Backed by two sets of cross-indexed working papers containing letters, hearing transcripts, travel vouchers and other commission documents, the audit maintains a very real relationship from day

See Justice, A12

## LEAA reorganization planned

See Law, A10

WASHINGTON — The Carter administration and key congressional leaders have agreed on a plan to reorganize the troubled Law Enforcement Assistance Administration, hoping to increase grants and eliminate state government voices on how localities can spend the federal money.

The program is scheduled to be announced by President Carter Monday in the presence of key congressional leaders. They will include Sen. Peter W. Rodino Jr., the New Jersey Democrat who chairs the House Judiciary Committee, and Sen. Edward R. Kennedy, the Massachusetts Democrat who will be the chairman of the Senate Judiciary Committee next year when the measure will come up for action.

The administration has labored over how to improve the agency, which Carter attacked during his presidential campaign, saying that "waste, poor coordination and widespread mismanagement has enabled LEAA to spend \$2.5 billion while making almost no contribution to reducing crime."

Major elements of the plan, according to a summary circulating on Capitol Hill, are reductions in red tape and measures to reduce greatly the amount of anti-crime grants that have been spent on police hardware and construction of fences ranging from dog runs to helicopter pads.

The criticism of excessive spending on equipment, and constant controversies within many states about who should get how much, has alarmed congressional enthusiasm for the agency. With an authorized spending level of \$30 million, it gets an appropriation of only \$15 million.

The problem of allocation is addressed in the plan by providing that counties of more than 250,000 population and cities of more than 100,000 would get three times as much as smaller cities. States, no longer could win their plans for spending, but if the states considered them unwise, the dispute could go to arbitration. Now the administrator of the agency can veto the state veto, but the power rarely is used.

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## Nuts and bolts

The workers didn't speak a word, not once pausing to light a cigarette, take a break for lunch, or even, they worked 16 hours a day without pay. The auto industry is experimenting with robots on assembly lines, simple human, flesh and blood men in Friday's American-Statesman.



Charles (Bud) McDaniel and son Brad

## Government forecasts

### 7 percent inflation rate

Washington Post Staff

WASHINGTON — The Carter administration has revised its economic forecast, and the new is that the president's economic growth projection for this year is 6.5 percent, and an economic growth of 7 percent, and an economic growth of 7 percent, and an economic growth of 7 percent.

In its mid-year review of the economy, the administration will forecast a 7.2 percent increase in consumer prices in 1978, percentage point higher than the president predicted in his January budget message.

The administration has lowered its growth projection, reporting a 1.5 percent increase in consumer prices this year, 1 percentage point less than it predicted in January.

## Dad arrested looking for son lost in crowd

By JAMES NEFF

American-Statesman Staff

A father who lost his 7-year-old child and found him on the Texas Lake Fourth of July festival Tuesday night found himself arrested before he found his son.

"I had just thought, 'This would be a bad place to find Brad,'" said Charles (Bud) McDaniel. Then McDaniel's wife, Kathy, noticed that her son had wandered off.

McDaniel said he saw "a little bit out of my mind" when he and his wife realized their son was in the crowd of more than 2,000 persons, who were leaving the fireworks show.

McDaniel said he heard his son had wandered into the heavy traffic, "looking into headlights." Brad is attracted to light because that is all he can see, McDaniel explained.

McDaniel sought help from a police officer who was directing traffic while his wife and several persons searched for the small, blond-haired boy, who wears thick-lens glasses.

McDaniel said he ended up pleading with a traffic policeman for help, only to be arrested on two counts of assaulting an officer and one count of disobeying an officer. He was released after midnight on \$100 bond. (Brad was found safely.)

McDaniel said he asked the officer, Gary Morrison, to help find his son. The officer replied that he had

to direct traffic first and then he could help find the boy, McDaniel said.

McDaniel said he persisted, asking Morrison to call for help on a walkie-talkie. Morrison refused, McDaniel said. He continued pleading and begging for assistance.

McDaniel said, with Morrison told him to get out of the road so he could see the boy, he pushed him back with his arm.

McDaniel said he grabbed at the flashlight Morrison was holding and ended up pulling off the red traffic cone.

"I was just pleading for attention," McDaniel said. "Please, just help me find my son." he remembers saying.

At that point Morrison told him he was under arrest and threw him to the ground, McDaniel said.

McDaniel said he struggled to avoid "any law being thrown into the concrete." Another police officer who was directing traffic came and helped put handcuffs on McDaniel, police said.

But McDaniel said he never saw that officer nor did he strike the officer.

Morrison, 27, and Gerald Seid, 24, the policemen whom McDaniel is charged with assaulting, say McDaniel struck Morrison. Seid said he was scratched and suffered some

See Arrest, A12



WEEK

Your weekly  
community newspaper

# NEIGHBOR

Serving West and Central Austin,  
Hyde Park and Northwest Hills

Thursday, March 16, 1989 Austin American-Statesman

## On the West Side

By Martin Hobradsch

### Her Irish cake brings smiling

Four years ago, Gayle Browne began selling her Irish whiskey cakes in her antique store on Kerbey Lane. Since then, Browne's Killkinney Cakes has expanded and sells its wares via mail order. This weekend, Browne said she hopes to impress even more people with her cakes at the Texas Irish Festival in San Antonio.

"The biggest thing about this for us is that it's a chance to reach a larger spectrum of people who wouldn't get a chance to find out about us because they don't live in Austin," Browne said.

Killkinney Cakes started with a recipe Browne found while she was living in Ireland during the late 1960s.

"I had been making them for friends for years, and then about four years ago I saw an article in the newspaper about locally produced food gifts," said Browne. "So, I looked into what I had to do to sell my cakes."

Browne said she chose the name Killkinney because it was something that "would remind people of Ireland but not be associated with other Irish things, like the Blarney Stone."

The cakes are baked in a shop on East Avenue, and Browne sells them in her store and through mail order catalogs. Although she sells several different flavors of liquor cakes, by far the best seller is the Irish whiskey cake. Especially around St. Patrick's Day.

"We send quite a few to people's Irish friends, and even friends who aren't Irish," said Browne.

### McCallum tradition

Lending a helping hand has become a tradition at McCallum High School, where each grade level does a service project to help out the school and community.

This year, the freshman class is planning to collect clothes for a Clothes Closet to help out the needy, said freshman class counselor Blondell Smith.

"We decided that these days there are some people who can't afford the clothes they need, but there are enough people at McCallum who are generous that we could start a clothes closet," said Smith.

The students are organizing for the collection, which will take place throughout April.

"We're going to have a box out in the morning for people to leave the clothes in," she said. "We're hoping to talk to some local cleaners who might offer to clean the clothes for free."

Smith said the drive will focus on students and the McCallum faculty.

"If someone from the community wants to donate something, we certainly won't discourage them," she said.

Smith said the clothes closet will operate on a word-of-mouth basis. "If we hear of someone who needs the clothes, we will get in touch with them," she said.

### Youth government



Austinite Bill Russell, near the opening of Whirlpool Cave in Southwest Austin, is one of several Central Texas cave explorers. "We like to call ourselves 'cavers,'" Russell says. "We're the serious ones." Russell is often called upon by local emergency rescue teams to help free amateur explorers who become trapped in area caves. Staff photo by Marc Fort

## THE UNDERGROUND

Austin area  
has multitude  
of small caves

Story by Steve Weingarten  
American-Statesman Staff

John Schweitzgebel and Bill Russell met in a cave near Schweitzgebel's Northwest Austin home in 1978.

Schweitzgebel, then 14, had gone with neighbor kids into Dead Dog Cave, one of the 250 or so caves in the limestone formations that underlie most of Travis County west of the Balcones Fault, a geologic formation that runs through the western part of Austin.

Others in the neighborhood had been in the cave several times before, but that day in 1978 Schweitzgebel and John and Richard Fant became trapped under rubble loosened by construction work on the nearby MoPac Boulevard expressway.

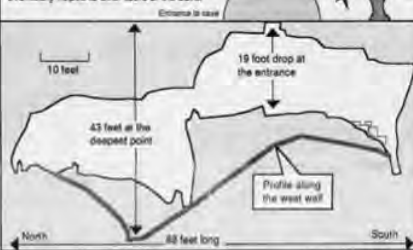
Dead Dog Cave, which has since been paved over, was one of those holes in the ground of western Travis County that help recharge aquifers and that may shelter bats or endangered troglodytes — such as spiders and millipedes — that spend their lives underground.

Russell is familiar with many of these caves. It was his expertise that led to his 1978 encounter with Schweitzgebel and the Fants.

When a relative at the mouth of Dead Dog Cave realized the three

### Goat Cave

Goat Cave is on a 10-acre city preserve off the 8600 block of Coastal Drive in the Maple Run subdivision in Southwest Austin. The Parks and Recreation Department plans to build a limestone "grotto" over the mouth of the cave to prevent vandalism. Bats, which the department hopes will return to the cave, will be able to fly through the grotto. The parks department eventually hopes to offer tours of the cave.



boys were trapped, police were summoned, and they sent for Russell and fellow caver Peter Strickland to free the boys.

Russell was also among those called last year when five Southwest Austin boys became lost in a cave called Maple Run Cave near their neighborhood. In both cases, the rescues were successful.

"I was a very lucky human being," Schweitzgebel recalled last week. "It could have been much worse. The circulation in my legs was cut off and I could have lost them."

Schweitzgebel, now 25 and a doctoral student of chemical engineering at the University of Texas, said he never again ventured into a cave.

"I went off into above-ground exploration since then. Right after that I got into soccer, and now I have my nose in the books."

Russell, on the other hand, still crawls around underground nearly every weekend. And officials still call the 52-year-old IRS employee when they need help with a cave rescue.

Russell said dedicated subterranean of the Texas Speleological Society chapter in Austin avoid the term "spelunker."

"We like to call ourselves 'cavers.' We're the serious ones. We think of spelunkers as Boy Scouts with flashlights," he said.

Russell said the longest of the

nearly 200 caverns he estimates are around Austin, is Airmen's Cave, a two-mile-long chamber with an entrance in the Barton Creek Greenbelt. That cave extends southeast under the Westgate Mall.

He said a half-dozen caves in Travis, Williamson and Hays counties are inhabited by colonies of Mexican brown bats, and even an amateur can tell which they are — the smell of ammonia from guano is overpowering. Inside, the decomposing guano pushes temperatures above 100 degrees and nourishes scorpions, pseudoscorpions, beetles, spiders, mites and ticks.

"There are usually very few animals in caves, and they tend to be very small because there are almost no food sources. Maybe a leaf or two will blow in," he said. "But in a bat cave, there is tremendous energy from the guano. There is probably more life per square-foot of guano than any place else on Earth."

Lee Stone, preserves manager for Austin's Parks and Recreation Department, said vandals have driven away thousands of bats that once roosted in Goat Cave, near the Maple Run subdivision in southwest Austin.

"We've had neighborhood children throw tar paper in and set fire to it, filling the whole room with smoke," Stone said.

Last year, homebuilder Bill Milburn donated Goat Cave and 10 surrounding acres to the city for a nature preserve after Russell and fellow caver Craig Bittinger rescued five boys lost in Maple Run Cave, another cavern on the 10 acres. Besides Goat Cave and Maple Run Cave, the plot includes two large

See Caves, Page 5



## Caves

From Page 1

sinkholes

Stone said Goat Cave Preserve "has some excellent examples of different mineral formations. The way the limestone is laid down, you can see the water drip through when it rains. It's very different from standing on the surface and watching water seep in."

Goat Cave is closed to the public until the Parks Department begins guided tours, possibly as early as the fall. The entrance to Maple Run Cave has been sealed by boulders, but could be reopened for groups of professional cavers, a parks official said.

To protect bats that officials hope will return to Goat Cave, Stone said the Parks Department hopes to build a limestone "igloo" over the mouth of the cavern with a vandal-proof, bat-friendly gate.

When Austin's newest living exhibit opens, it will highlight the minimal aspects of nature that dwell in caves.

"Most flora and fauna in caves are so small that most people don't see them or disregard them. Without realizing it, they can step on them," said Stuart Strong, program manager for the Parks and Recreation Department. "The tightrope we're trying to walk is permitting the public to see this, while recognizing that it will put a burden on the cave residents."

Residents of Goat Cay include a millipede that lives, breeds and dies only within the cave, according to Stone. There are also species of spiders and scorpions.

James Reddell, a caver and the assistant curator of entomology at Texas Memorial Museum, said

only the most remote caverns in Travis County have been unaffected by development.

"Almost every time I go into a cave in the Austin area, I find trash, beer cans, names written on the walls and broken formations," Rendell said.

He said insects following the trail of garbage left by human interlopers are evicting cave-dwelling invertebrates from their homes.

"Cockroaches, pillbugs, fire ants and hothouse millipedes can take over a habitat and the limited amount of food in these small caves," he said.

According to Reddell, about 50 caves around San Antonio and 20 caves around Austin have been destroyed in the past 10 years by vandals spray-painting on walls.

The loss worries biologists, who

The loss worries biologists, who use the simple environments within caves to test larger theories about life's mysteries, Reddell said.

Nancy McClintock of Austin's Department of Environmental Protection agreed that steps must be taken to protect endangered cave-dwelling organisms.

"We're losing species like crazy and we don't even know what we they could have served," McClintock said. "When do you draw the line about when it matters? After how many species do you start worrying?"

Scientists have no way to estimate how many local species have become extinct.

McClintock said the Austin Comprehensive Watershed Ordinance helps safeguard habitats, but

mainly protects caves because they are critical in the subterranean water cycle.

The 1986 city ordinance, McClintock said, says everything within 50 feet of a cave entrance must be left natural — except for hiking trails — and all construction must be set back at least 150 feet to prevent runoff from streets from draining into cave mouths.

While builders must take the caves into account when they plan drainage systems and erosion and sedimentation controls, she said

"There is a real abuse and over-use of lawn chemicals — fertilizers as well as pesticides — that can be very bad and pollute the environment."

have a real serious effect on aquatic organisms and well as the native invertebrate fauna," McClintock said.

But some construction projects have been given exemptions from the terms of the ordinance.

officials are negotiating with the contractor building the southern extension of Mopac Expressway to relocate a storm drain that would

discharge oily runoff less than 20 feet from Whirlpool Cave, which is near the freeway's intersection with William Cannon Drive.

Texas legislators are considering additional protection for caves and aquifers. Last week, the House Environmental Affairs Committee discussed a bill sponsored by Rep. Lena Guerrero that would penalize landowners who seal off caves or otherwise impede the flow of water into the recharge points without a

into the recharge points without a permit from their local underground water conservation district.

Guerrero's Cave Protection Ground Water Protection Bill authorizes \$1,000 fines and 180 days

in jail for first offenders, and \$2,000 penalties and a year in jail for repeat violators.

Every Item Reduced  
**1/20th** of Retail  
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## Shoe Repair Specials

Austin

3106 Windsor Rd. at Exposition  
(next to Fresh Plus)  
**477-6515**

3509 Jefferson at 35th St.  
(next to Shamrock Cleaners)  
**458-2253**

**Shoe Hospital**  
— Quality Shoe & Boot Repair —

\* Next-day service available on most repairs

\* We also repair all types of leather goods

\* Ladies heel caps stone White-U-Well

Mon.-Fri. 7:30-9

<p><b>MEN'S DRESS SOLES &amp; HEELS</b></p> <p><b>\$16<sup>95</sup></b> Reg. 29.95</p> <p>Please present coupon with shoes</p> <p><b>NO LIMIT</b></p> <p>Not valid w/ other offers Exp. 4-1-89</p> <p>Offer valid at above locations only</p>	<p><b>LADIES' HEEL CAPS</b></p> <p><b>\$2<sup>49</sup></b> Reg. 4.95</p> <p>Please present coupon with shoes</p> <p><b>NO LIMIT</b></p> <p>Not valid w/ other offers Exp. 4-1-89</p> <p>Offer valid at above locations only</p>	<p><b>BOOTS—SOLES &amp; HEELS</b></p> <p><b>\$22<sup>95</sup></b> Reg. 34.95</p> <p>Please present coupon with boots</p> <p><b>NO LIMIT</b></p> <p>Not valid w/ other offers Exp. 4-1-89</p> <p>Offer valid at above locations only</p>
---	---	---

From: [Hick, Scott](#)  
To: [Austin ERM](#)  
Subject: Dead Dog Cave Entrance Photo  
Date: Tuesday, April 20, 2021 1:22:42 PM  
Attachments: [DeadDogCave.jpg](#)

[EXTERNAL EMAIL]

James,

The WPD GDS staff stop by the Luby's site and located the manhole entrance for Dead Dog Cave. Looks like someone has already found it.



Scott E. Hick, P.G.  
City of Austin – Watershed Protection Dept.  
505 Barton Springs Rd.  
Austin, TX 78704  
512-974-1916  
512-217-5047

This electronic mail message is intended exclusively for the individual or entity to which it is addressed. This message, together with any attachment, may contain the sender's organization's confidential and privileged information. The recipient is hereby notified to treat the information as confidential and privileged and to not disclose or use the information except as authorized by sender's organization. Any unauthorized review, printing, retention, copying, disclosure, distribution, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this message in error, please immediately contact the sender by reply email and delete all copies of the material from any computer. Thank you for your cooperation.

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**ATTACHMENT D**

**GPR REPORT**





**The use of Ground Penetrating Radar  
to locate Possible Cave Entrance  
8176 North Mopac Expressway, Austin, TX  
Project No. 218189**

---



**May 12, 2021**

## Summary

Round Rock Geophysics was contracted to perform Ground Penetrating Radar (GPR) surveys as part of an effort to locate the possible access to the famous Dead Dog cave. The survey area is located at 8176 North Mopac Expressway, Austin, TX and is shown in Figure 1 below.



Figure 1: Location map of the GPR Survey Area.

## Background

As detailed in the request for proposal, the historic Dead Dog cave is believed to have its access close to the intersection of Steck Ave. and MoPac as shown in Figure 1. Presently, this possible access (Manhole) is covered with reinforced concrete and is part of the access road to Luby's Restaurant. There is no sign of it from the surface except historical evidence showing it to be close to the North Eastern corner of the driveway to the Restaurant.

## Scope

The main scope of the GPR survey was to locate this Manhole and to guide the effort to expose it by excavation and/or other means. In doing so, the GPR survey is expected to provide some details of the cave entrance to an approximate depth of 20-ft.

## The GPR Survey

The GPR survey was done with SIR 4000 system from Geophysical Survey System (GSSI) and 270-MHz antenna for maximum possible resolution and depth of investigation. The limits of the survey area include the possible location of the Manhole entrance to the cave as shown in

Figure 1. Field data was collected along profile lines spaced at 2-ft interval and crossing the driveway in the nearly East-West direction. Preliminary observation of the field data has confirmed the good data quality, but it didn't reveal any details of the target Manhole.

In addition to the GPR survey along the pre-planned grids, a survey profile was completed along the southern sidewalk of the driveway.

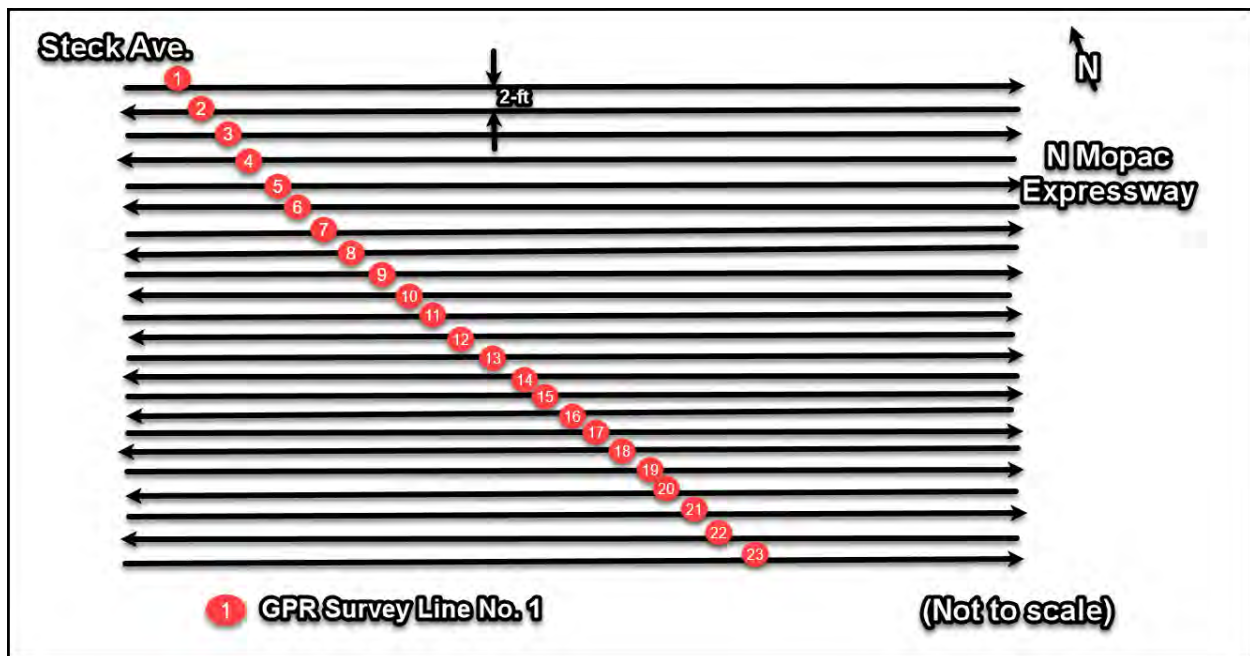


Figure 2: Location and orientation of GPR survey Lines.

## GPR Results and Discussion

The raw field data was processed using the appropriate software packages and following standard procedures to produce the results. These final results are shown both as 2 and 3-dimensional cross sections and depth slices as Figures 3 to 7 below.

Interpretation of the results have shown the details of the asphalt and concrete covered driveway with the location of the possible Manhole and several utility lines.

This possible Manhole is located at an approximate distance of 70-ft from the start of the profile lines 1,3, and 5. There is an indication of a possible Cave entrance connected to this Manhole and extending towards Mopac access road. This entrance slopes towards the Western side of the driveway with an approximate angle of 45-Degrees. The details of this possible feature are beyond the scope of the current GPR survey.



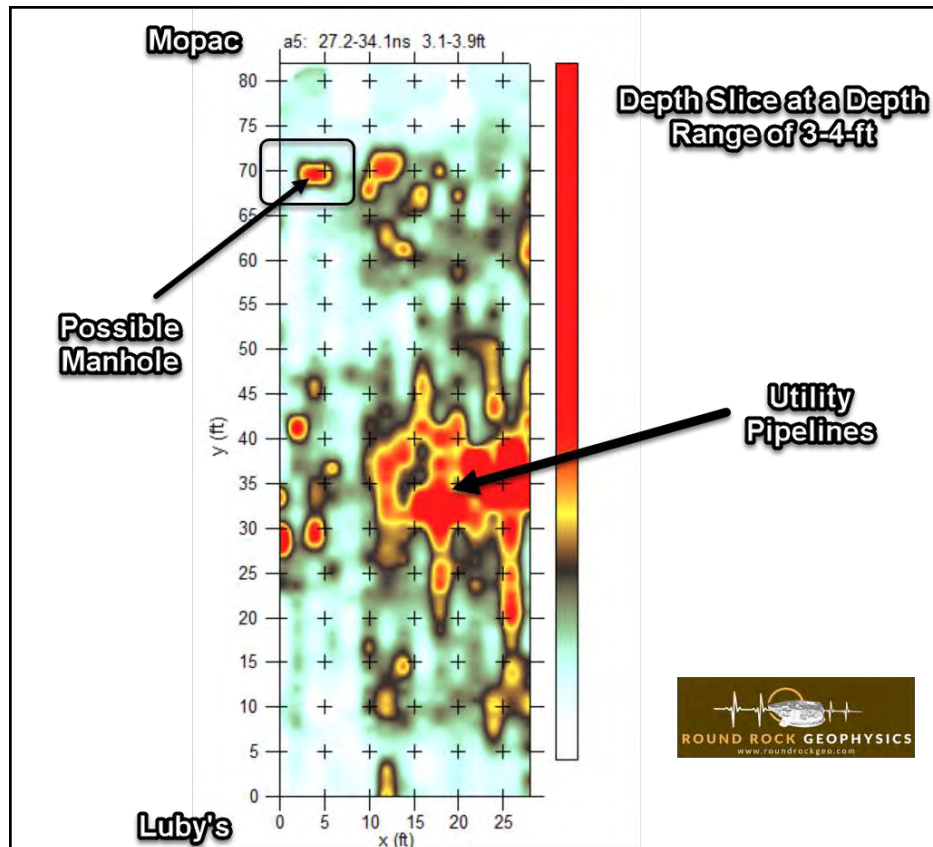


Figure 3: Representative depth slice of the processed GPR survey data.

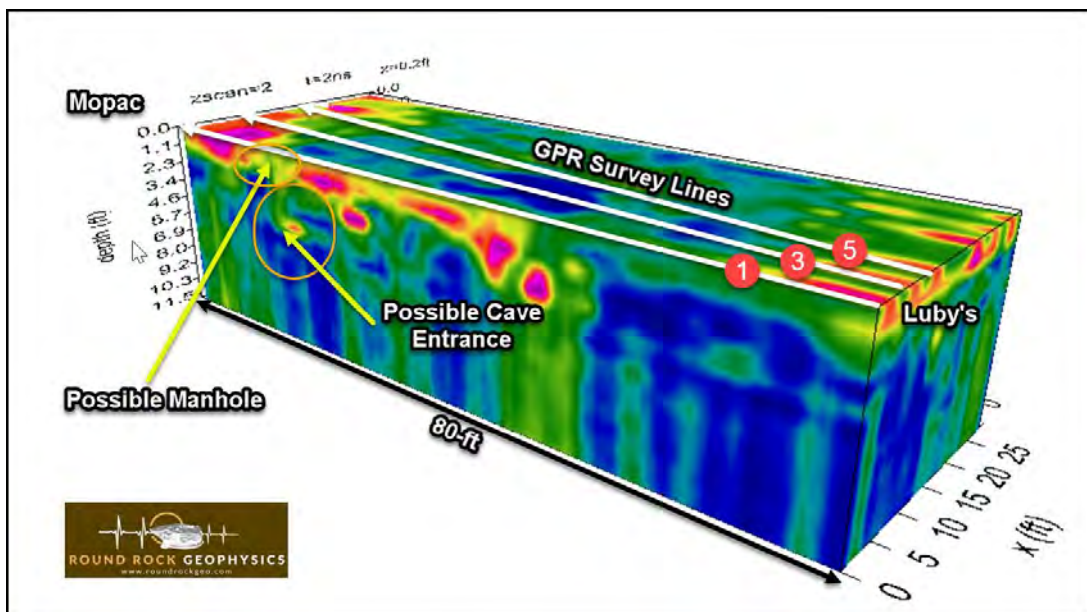


Figure 4: 3-Dimensional view of the processed GPR data and its interpretation.

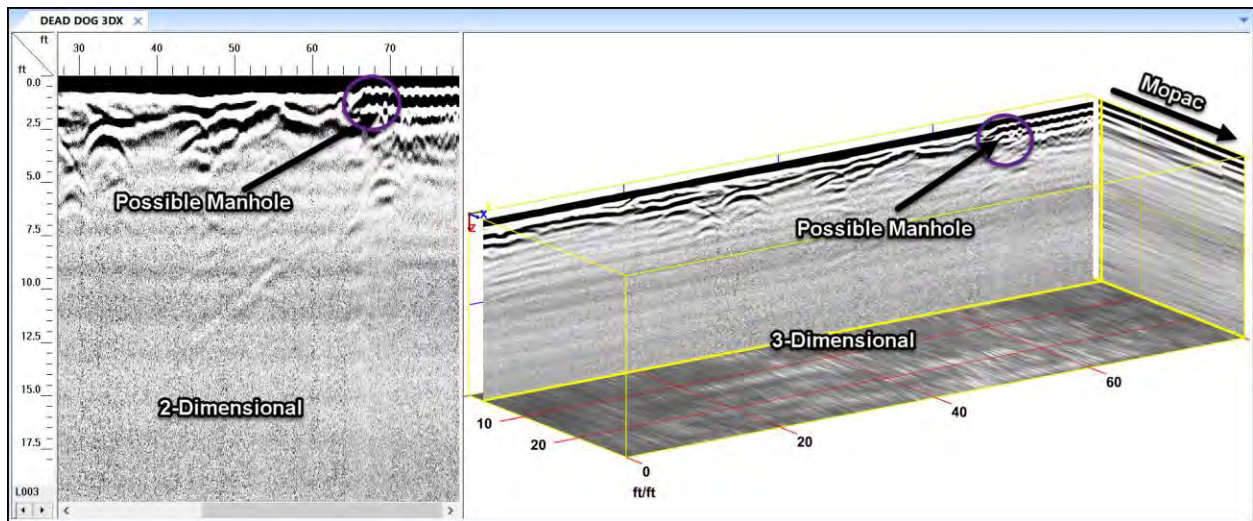


Figure 4: 2 and 3-Dimensional views of the processed GPR data.

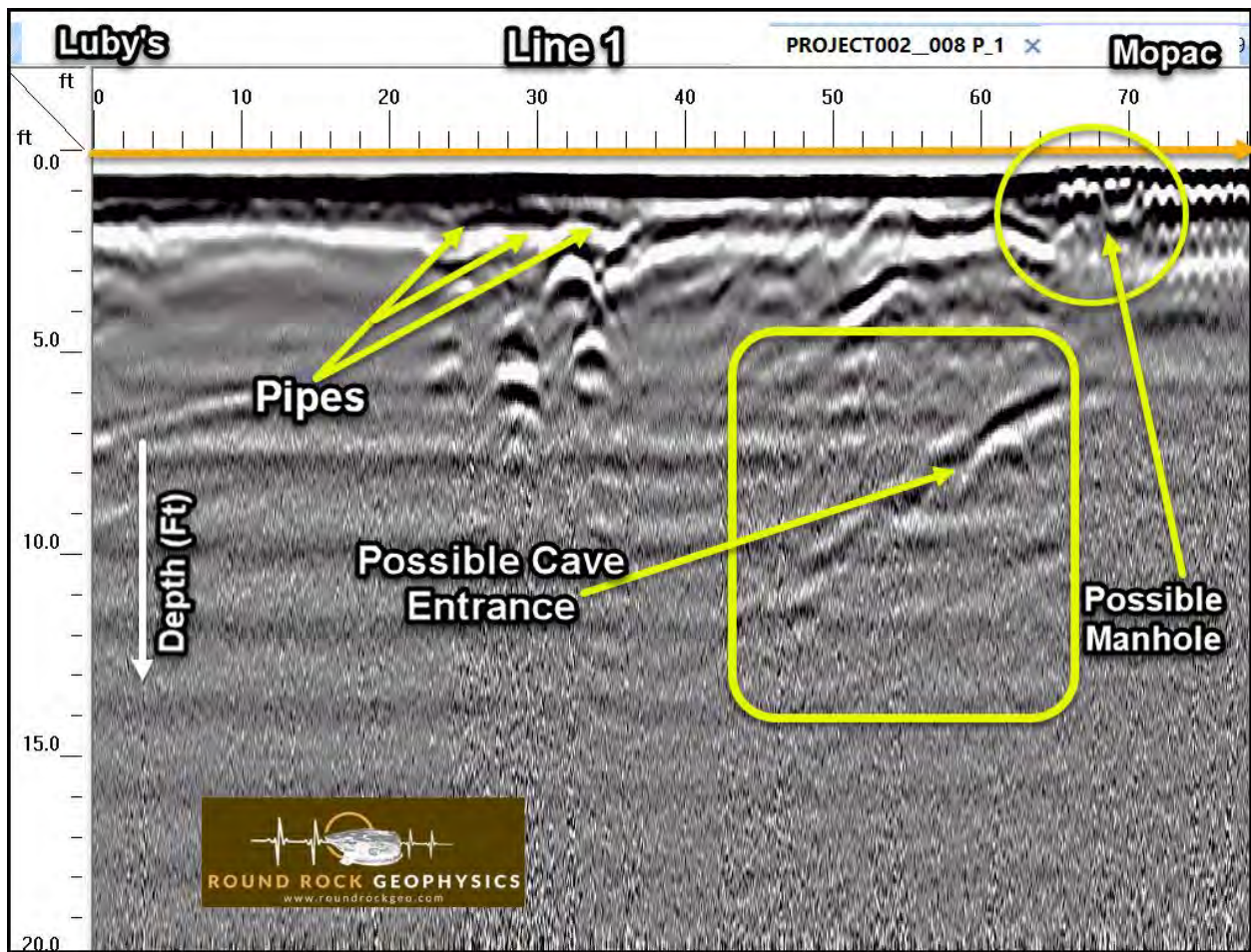


Figure 5: Cross-sectional view of the GPR survey result along Line 1.



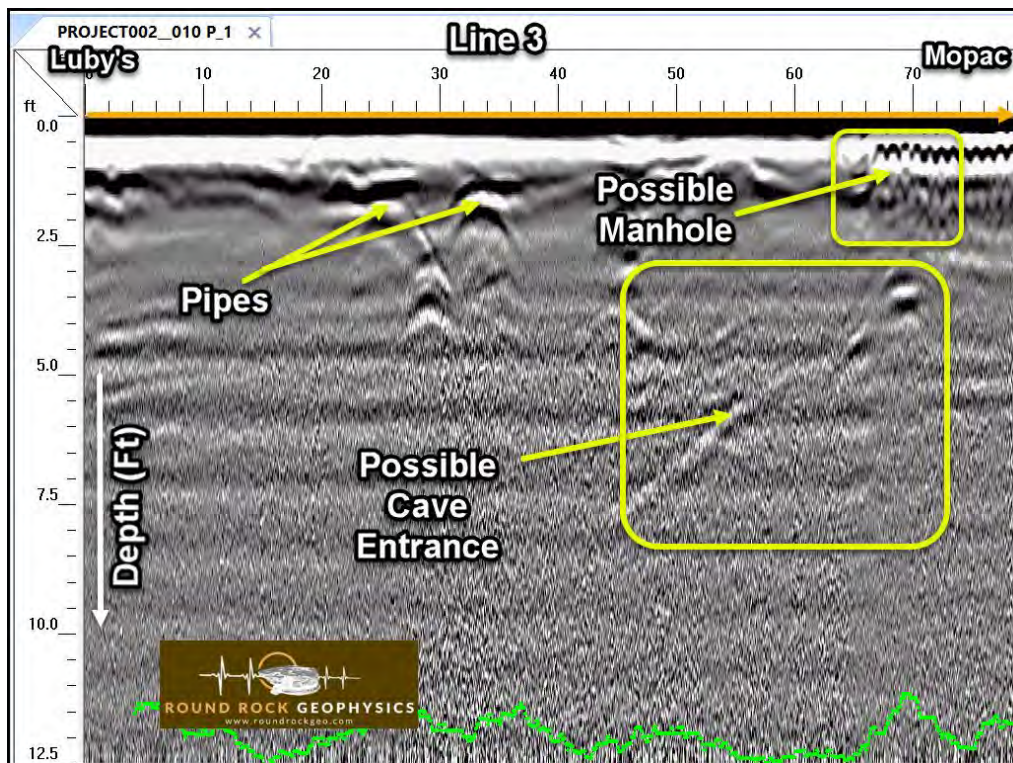


Figure 6: Cross-sectional view of the GPR survey result along Line 3.

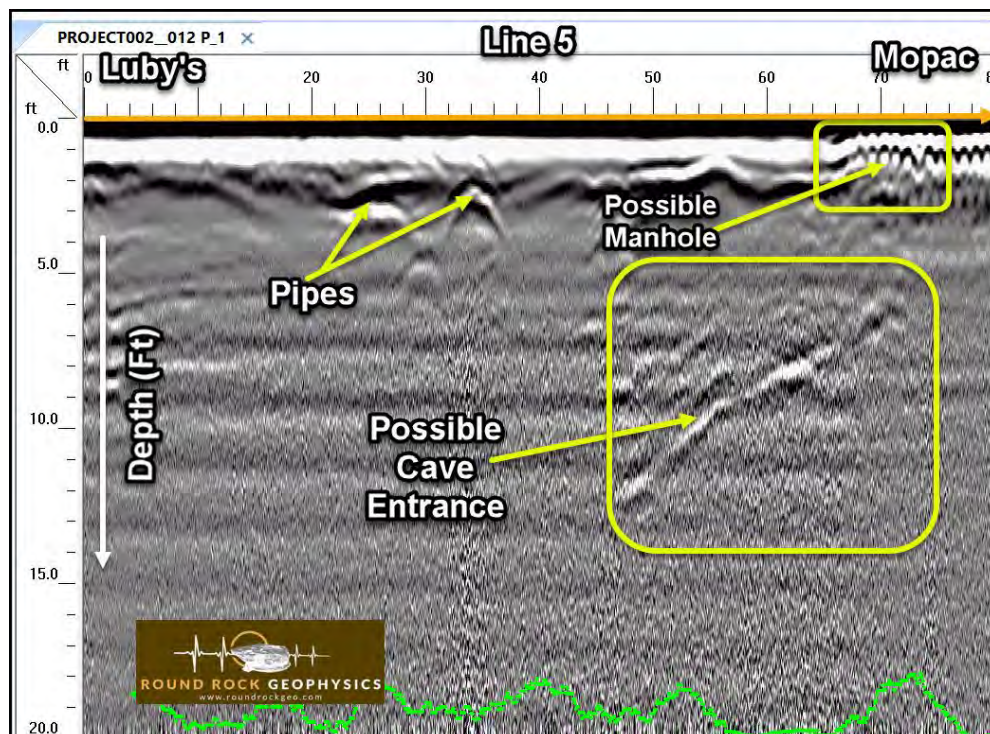


Figure 7: Cross-sectional view of the GPR survey result along Line 3.



## **Conclusion**

The GPR survey was successful in showing the details of the possible Manhole cover and associated features. The location of this possible feature is marked on the ground with spray paint. It is understood that there is a planned excavation of this location for confirmation. It needs to be noted that different objects of related physical nature can produce similar GPR signatures. Since our survey was all non-intrusive, all interpretations of the results are made based on our previous experiences in similar situations and other historical evidence. Therefore, we cannot claim that our interpretation is absolute and the excavation may produce results different from our interpretation.

## **Closure**

This report was prepared in accordance with generally accepted geophysical survey practices. No other warranty is expressed or implied. The data and analysis presented in this report are based on the available project information.

We appreciate the opportunity to provide you our services. For any question or comments about this report, please contact us with the following:

Round Rock Geophysics, LLC  
Email: [Info@RoundRockGeo.com](mailto:Info@RoundRockGeo.com)  
[www.RoundRockGeo.com](http://www.RoundRockGeo.com)  
Phone: 512 496 8728

---

**To:** James Killian  
**Subject:** RE: Luby's, Manhole Location

---

**From:** Brett Denton <[brett@ardent-residential.com](mailto:brett@ardent-residential.com)>  
**Sent:** Friday, May 14, 2021 10:03 AM  
**To:** James Killian <[jkillian@horizon-esi.com](mailto:jkillian@horizon-esi.com)>; Scott Flesher <[sflesher@horizon-esi.com](mailto:sflesher@horizon-esi.com)>  
**Cc:** Art Carpenter <[art@ardent-residential.com](mailto:art@ardent-residential.com)>; Greg Smyrl <[greg@ardent-residential.com](mailto:greg@ardent-residential.com)>; Brett Denton <[brett@ardent-residential.com](mailto:brett@ardent-residential.com)>; Joseph Longaro <[jlongaro@lja.com](mailto:jlongaro@lja.com)>; Eva Wong <[ewong@lja.com](mailto:ewong@lja.com)>  
**Subject:** Luby's, Manhole Location

[EXTERNAL EMAIL]

Hi James and Scott:

Please see attached photos and measurements of the location of the manhole. Let me know if you need anything else.

Thanks, Brett









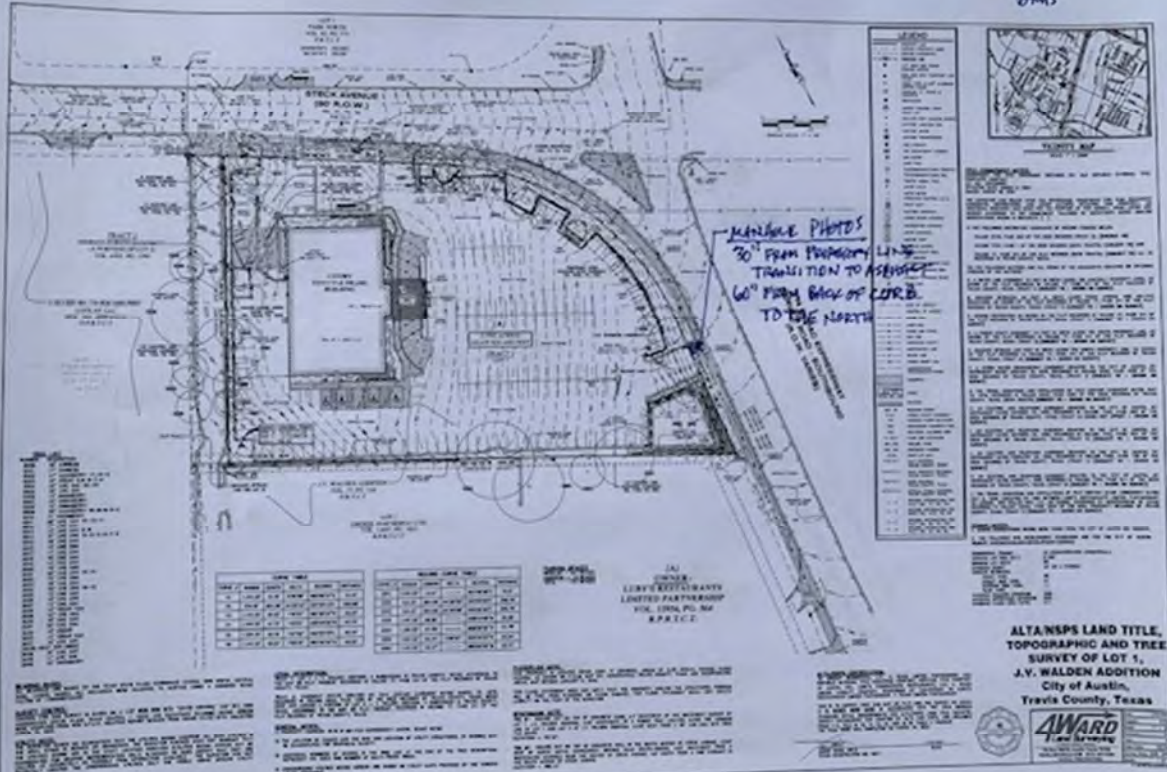


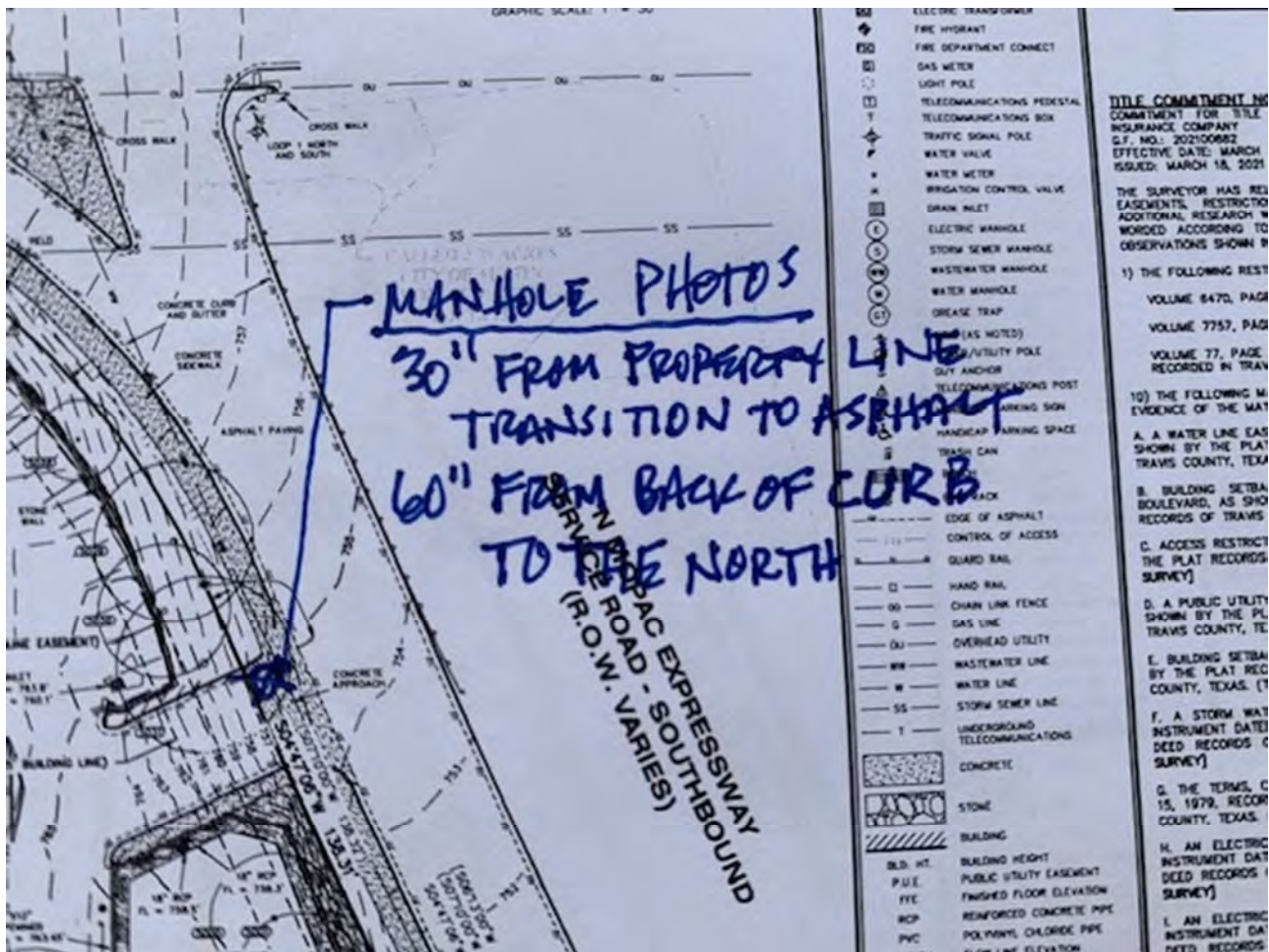






5/14/21  
Bms





Sent from my iPhone

[EXTERNAL EMAIL] Exercise caution. Do not open attachments or click links from unknown senders or unexpected email

**RESTRICTIVE COVENANT****C14-2021-0100****8176 N. MoPac Expressway**

This Restrictive Covenant ("**Restrictive Covenant**"), is executed as of 7/20, 2021, by **Luby's Fuddruckers Restaurants, LLC**, a Texas limited liability company, successor by conversion to Luby's Restaurants Limited Partnership, a Texas limited partnership ("**Declarant**") and its successors and assigns, for the benefit of Northwest Austin Civic Association, a Texas nonprofit corporation ("**NWACA**") and is as follows:

**RECITALS**

- A. Declarant owns that certain tract of real property located at 8176 N. MoPac Expressway, being more particularly described as Lot 1, J.V. WALDEN ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 77, Page 314, Plat Records of Travis County, Texas (the "**Property**").
- B. Declarant has filed a zoning application with the City of Austin under in File No. C14-2021-0100 (the "**Zoning Case**") to rezone the Property to permit development and use of the Property for a multifamily residential apartment project (the "**Multifamily Project**").
- C. NWACA is a Texas nonprofit corporation which exists to preserve, promote, and enhance the exceptional and unique character of the neighborhood by monitoring key municipal and county issues and advocating for the neighborhood, addressing fire safety, transportation, crime prevention, oak wilt and other environmental concerns, wildlife management, zoning and planning, and other matters as they arise, keeping residents informed of relevant news and happenings, and sponsoring neighborhood events and working to build a strong sense of community.
- D. In consideration of NWACA's support of the Zoning Case, Declarant has agreed to impose upon the Property these covenants and conditions for the benefit of NWACA, provided that the effectiveness of this Restrictive Covenant shall be conditioned on final approval of the Zoning Case as set forth below.

**AGREEMENT**

NOW, THEREFORE, Declarant declares that the Property is subject to the following covenants, conditions and restrictions, and agrees as follows:

- 1. Recitals Incorporated. The above Recitals and all terms defined therein are incorporated into this Restrictive Covenant for all purposes.
- 2. Multifamily Project. If the Multifamily Project is developed and constructed on the Property, Declarant agrees as follows:



- (a) **Exterior Materials.** The exteriors of the multifamily apartment buildings will utilize materials such as brick, stone, glass and/or metal panels. Hardi-plank siding is prohibited.
  - (b) **Garage Screening.** Declarant will install vegetation and/or fencing to screen the Multifamily Project parking garage from view from public right of way, except where the parking garage is already screened from view by multifamily apartment buildings.
  - (c) **Building Height.** The building is expected to consist of five (5) stories of residential units plus three (3) levels of parking. Regardless, the height of the Multifamily Project will not exceed 860 feet above mean sea level.
  - (d) **Monument Sign.** Declarant, at its expense, will install a neighborhood entry monument sign on the Property facing the southwest corner of Steck Ave. and the MoPac Blvd southbound frontage road. The monument sign will display the words "Northwest Hills". Declarant will be responsible for maintaining the sign in good condition and repair.
  - (e) **Affordable Housing.** The Multifamily Project will voluntarily include affordable housing (10% of the units at 80% MFI) for 40 years.
  - (f) **Parks and Recreation Department ("PARD") Fees.** Declarant will support NWACA's efforts to have PARD fees spent within NWACA boundaries.
  - (g) **Water Quality.** The Multifamily Project will comply with applicable City of Austin code requirements for water quality and detention.
3. **Term.** Unless sooner terminated in accordance with Paragraph 8 below, the term of this Restrictive Covenant shall be a period of twenty (20) years commencing on the date hereof. Upon expiration of the term, this Restrictive Covenant shall expire and be of no further force or effect.
4. **Binding Effect; Enforcement.** This Restrictive Covenant and the restrictions, covenants, benefits and obligations created hereby are benefits and servitudes running with the Property and are binding on future owners of all or any portion of the Property. However, the benefits hereunder (and the right to enforce this Restrictive Covenant) inure solely to the benefit of NWACA and are not assignable. This Restrictive Covenant may be enforced by NWACA by action at law or in equity, including, without limitation, action for specific performance or injunctive relief. In no event shall Declarant be liable for punitive or consequential damages resulting from any violation or breach of this Restrictive Covenant.
5. **No Dedication.** Nothing in this Restrictive Covenant shall ever constitute or be construed as a dedication of any interest herein described to the public or give any member of the

public any right whatsoever. The sole beneficiary of this Restrictive Covenant is NWACA.

6. Severability. The provisions of this Restrictive Covenant must be deemed to be independent and severable, and the invalidity or partial invalidity of any provision or portion hereof does not affect the validity or enforceability of any other provision.
7. Amendment; Modification. This Restrictive Covenant may only be modified, amended or terminated upon the filing of a written modification, amendment or termination document in the Official Records of Travis County, Texas, executed, acknowledged and approved by the President of NWACA and the owner of the Property at the time of the modification, amendment, or termination.
8. Effectiveness. The effectiveness of this Restrictive Covenant is conditioned upon final approval of the Zoning Case by the City of Austin City Council with no additional restrictions not agreed to by Declarant. If such zoning approval does not occur, then this Restrictive Covenant shall expire and be of no further force or effect. An affidavit executed by the owner of the Property and recorded in the Official Public Records of Travis County, Texas, certifying the facts supporting the expiration or ineffectiveness of this Restrictive Covenant pursuant to this paragraph shall be prima facie evidence that this Restrictive Covenant has terminated and no longer encumbers the Property. Any potential purchaser, lender, investor or tenant of the Property and any other third parties shall have the right to rely on such affidavit without any further investigation or inquiry.

Executed to be effective as of July 20, 2021.

EXECUTED to be EFFECTIVE as of the date first set forth above.

**Declarant:**

**Luby's Fuddruckers Restaurants, LLC**, a  
Texas limited liability company, successor  
by conversion to Luby's Restaurants  
Limited Partnership, a Texas limited  
partnership

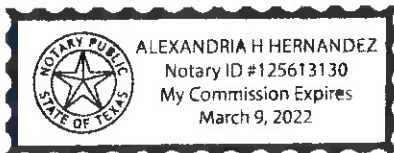
By: Bill Gordon  
Name: Bill Gordon  
Title: Vice President

THE STATE OF TEXAS     §  
                                     §  
COUNTY OF Harris     §

This instrument was acknowledged before me this 20<sup>th</sup> day of July, 2021, by  
Bill Gordon, \_\_\_\_\_ of Luby's Fuddruckers Restaurants, LLC, a  
Texas limited liability company, on behalf of said limited liability company.

(seal)

Alexandria H. Hernandez  
Notary Public, State of Texas





**From:** MARCIA HOUSTON  
**To:** [Sirwaitis, Sherri](#)  
**Subject:** Case #C14-2021-0100 re-zone Luby's  
**Date:** Monday, September 6, 2021 3:00:34 PM

---

\*\*\* External Email - Exercise Caution \*\*\*

There has been no traffic study done for the cross streets, Steck and MoPac  
For this re-zoning case. Please consider the following concerns:

\*\*\*Steck-MoPac exit road is also the ONLY southbound exist for:

- \*Anderson Lane
- \*Spicewood Springs Road

\*\*\*Steck Ave. and Anderson Lane are the ONLY 2 east-west cross-over  
Roads over MoPac from Braker Lane to RR 2222

\*\*\*Cross traffic on the south bound service road at Steck and MoPac is  
Going 60+ MPH to make the traffic light

\*\*\*Steck Ave. at the access to MoPac North backs up from MoPac several  
Blocks to almost Greenslope Avenue during:  
\*during rush hours  
\*when Anderson High School dismisses

\*\*\*Steck and MoPac intersection already has a high rate of accidents

Please consider these concerns when re-zoning this property.

Thank you.

Marcia Houston  
3707 Claburn Drive  
ATX. 78759

512.345.5859

Marcia Houston  
Sent from my iPad

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## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.austintexas.gov/planning](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and may be published online.

**Case Number: C14-2021-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: September 30, 2021, City Council**

*Thomas & Sharon Carter*

Your Name (please print)

*3803 Cima Serena Drive 78759*

Your address(es) affected by this application (optional)

*McCart*

Signature

*9-14-21*

Date

☐ I am in favor  
☒ I object

**Daytime Telephone: 512-418-0869**

### Comments:

- Public schools which serve students of this area are already at or above capacity. Adding students of MR (hd.) will lower levels of education for all students—new and existing.
- North MoPac/Loop 1 is poorly accommodating existing traffic. To add MR (hd.) traffic will exacerbate the traffic problem. If such proposed housing is needed, place it where roadways can handle added traffic
- More people, more traffic, more noise—all will damage rather than enhance the existing, surrounding residences and businesses.

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

**Sherri Sirwaitis**

P. O. Box 1088, Austin, TX 78767

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)

**From:** Audrey Carlson  
**To:** [Sirwaitis, Sherri](#)  
**Subject:** Case #C14-2021-0100  
**Date:** Wednesday, September 15, 2021 6:27:13 AM

---

\*\*\* External Email - Exercise Caution \*\*\*

Good Morning,

I just wanted to express my disappointment and shock regarding the public hearing on September 30, 2021. To hold a public hearing that requires in person attendance with no video attendance option during such a dire COVID19 situation in Travis County is unacceptable.

Please pass on my objection to the City Council. The lack of regard for the health and safety of residents is noted.

Thank you,

Audrey Carlson

Sent from my iPhone

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Case Number: C14-2021-0100

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: September 30, 2021, City Council

Scott Bohmann

Your Name (please print)

☐ I am in favor  
☒ I object

Archer Gate / Summerwood II

Your address(es) affected by this application (optional)

Scott Bohmann

Signature

13 Sept 2021

Date

Daytime Telephone (Optional):

Comments: there will be too much traffic  
at Steek and Bert Tree and Summer Side Drive  
There already is too much traffic also in  
Anderson High School. It is almost impossible  
to turn left from Summer Side or Bert Tree  
to go East on Steek. A multi family high  
density project will make this congested  
area worse.

Please reconsider! Thank you.

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)

City of Austin  
SEP 15 2021  
NHCD / AHFC



22 September 2021

Brett Denton  
Arden Residential  
5453 Burnet Road, Suite 203  
Austin, Texas 78746

**RE: Phase III Karst Invertebrate Survey of Luby's Cave  
Steck Avenue and MoPac Expressway (Loop 1)  
Austin, Travis County, Texas  
HJN 21048.003KS**

Dear Mr. Denton:

Horizon Environmental Services, Inc. (Horizon) has conducted a karst invertebrate survey (Phase III Karst Survey) for federally listed endangered terrestrial karst invertebrates (TKIs) that occur within Travis County at the above-referenced site (subject site) (Figure 1, attached). The subject site is located at 8176 MoPac Expressway in Austin, Travis County, Texas.

Additionally, the entire subject site is located within the Edwards Aquifer Recharge Zone (EARZ), and a Phase II Karst Survey (KS) was previously conducted by Horizon in May 2021. Based on the results of the karst survey, one feature (F-1) was identified that met the requirements to be classified as a cave based on it being a natural underground open space formed by the dissolution of limestone that is large enough for an average-sized person to enter. Horizon staff surveyed/mapped the feature, which has been named **Luby's Cave** for identification purposes (Figure 2, attached). The total footprint of the cave extends 21 feet from southeast to northwest and 14 feet from east to west, with a total depth of approximately 15 feet. The surveyed plan and profile (section) map of Luby's Cave is attached to this report.

The Phase III karst invertebrate survey was conducted according to US Fish and Wildlife Service (USFWS) requirements and the terms of Horizon's USFWS endangered species Permit Number TE798998-3, issued 28 March 2011. The karst invertebrate survey was conducted from late August to mid-September 2021 by Horizon staff under the supervision of senior geologist James Killian, PG<sup>1</sup>, who is currently permitted by the USFWS to sample and collect federally listed karst invertebrate species within Bexar, Travis, and Williamson counties, Texas, for scientific and species recovery purposes. Horizon staff members Greg Sherrod, Zach Blackburn, and Cherman Hall assisted with this survey

---

<sup>1</sup> Registered Professional Geoscientist, State of Texas

## ENDANGERED SPECIES INVESTIGATIONS

The subject site lies within a known karst zone area (Veni Karst Zone 1) that was previously documented to provide suitable habitat for federally listed TKI species that occur within Travis County (Veni, 1991). Preparation of a project-specific Environmental Assessment (EA), Habitat Conservation Plan (HCP), and other necessary documentation in support of a 10(a)(1)(B) permit from the USFWS would be required should endangered karst invertebrate species be found and verified by a certified taxonomist.

## KARST INVERTEBRATE SURVEY METHODOLOGY

The karst invertebrate survey of Luby's Cave was conducted according to USFWS Section 10(a)(1)(A) Scientific Permit Requirements for Conducting Presence/Absence Surveys for Endangered Karst Invertebrates in Central Texas, dated 21 May 2015. Salient highlights of the USFWS methodology include the following scope of work:

Number and timing of surveys: To assess the presence/absence of endangered karst invertebrates, survey each cave and/or significant feature at least 14 times. Each survey should occur at least 48 hours apart during suitable surveying conditions. USFWS encourages permittees to bait every survey unless red imported fire ants (RIFA) are being observed. However, if no endangered species are detected by the 11th survey, then baits must be used in addition to surveying. Data loggers must be installed in caves and features (as far back into the cave or feature as possible) prior to the beginning of surveys and remain in place until all surveys are completed. USFWS encourages permittees to conduct at least 3 surveys at night and at least 3 during daylight hours to account for possible daily variation in behavior.

Suitable surveying conditions: The entire cave should be searched when conditions in the cave are appropriate for finding the endangered karst invertebrates, generally avoiding temperature extremes and low humidity. Surveys may be conducted any time of year as long as suitable weather conditions are met. Suitable weather conditions include average weather (temperature and rainfall) for time of year and the absence of recent, extensive, local flooding.

Surveying diligence and thoroughness: Before any endangered species are considered absent after completion of survey, the void/cave should be searched thoroughly; search times should be proportional to the size of the void/cave. A system of transects should be used to ensure the entire cave is thoroughly searched. The surveyor should search under all loose and easily moveable rocks. Rocks should be returned to their original positions immediately after examination. The surveyor should also search under clumps of dried, cracked sediment, which should be returned to their original positions after examination. The search should include crevices, ceilings, and walls. Samples of loose sediment are to be hand-sifted, and scat and dead animals are to be examined. The surveyor should search for all habitat types, not only those that are believed to be the preferred habitat of the endangered karst invertebrates. Species



abundance for listed and non-listed species and the microhabitat that they were found on/in should be recorded.

Specimen collection and preservation: Since the endangered karst invertebrates may not be possible to distinguish in the field from closely related species, specimens should be collected for identification by a qualified taxonomist. All specimens should be preserved in 100% non-denatured ethanol because they may be used in future genetic studies. Specimens collected should be immediately placed in a cooler and kept there until transferred to a freezer. Before transfer to a freezer, the preservative should be discarded and replaced with new ethanol. All preserved specimens should be stored in a freezer at -20°C (-4°F). All specimens should be stored in separate vials to prevent misidentification if appendages become separated from the body.

Baiting: Baits may attract RIFA into the cave; therefore, they should be used with caution as an invertebrate survey technique. Baits should be used in leads that are inaccessible for visual examination. When baiting is used, baits should consist of both sticky traps and bottle traps. Baits should be placed as far back in a void/cave as possible to reduce the chance of attracting surface species, but the baits must be retrievable. Data loggers must be installed in features prior to the beginning of baiting and remain in place until all baiting is completed.

## **TKI SURVEY RESULTS**

At the time of Horizon's survey efforts, the subject site was a commercially developed tract of land that is used as a restaurant (Luby's) located at 8176 MoPac Expressway. Most of the subject site is paved, with a large building (the restaurant) located near the center of the tract. Vegetation near the cave's entrance consists of sparse live oak (*Quercus virginiana*), landscaped scrub species, and/or maintained grasses. The subject site is situated on gently to steeply sloping terrain that is located within the Shoal Creek watershed. Adjacent land use at the time of the survey consisted of predominantly residential and/or commercial retail use.

In order to identify any previously documented karst features that contain federally or state-protected species or species of concern in the vicinity of the subject site, Horizon reviewed information maintained by the Texas Parks and Wildlife Department (TPWD) through the National Diversity Database (NDD), dated 17 September 2021. According to the NDD database, no apparent karst features were found within 0.5 miles of the subject site that were documented to contain a federally protected karst invertebrate species.

Luby's Cave (F-1) is a phreatic-formed subsurface void (30.367989 and -97.743356) that has been covered with a storm sewer steel lid, located along the eastern property boundary of Luby's next to the southbound service road for the MoPac Expressway (Loop 1). Inside the void and below the steel lid, there is no associated City of Austin stormwater infrastructure, such as a manhole and/or stormwater line. The feature was likely interstitial with no connection to the

surface prior to the utility (wastewater line) construction in the unpaved right-of-way (ROW) area. Inside the cave along the upper east side is a concrete vertical wall for a city sanitary sewer line located immediately east of the cave. On behalf of Ardent Residential, Horizon was contracted to conduct a survey of Luby's Cave for federally listed endangered karst invertebrates.

Fourteen separate karst invertebrate survey events were conducted on 23, 25, 27, 29, and 31 August 2021 and 2, 4, 6, 8, 10, 12, 14, 16, and 18 September 2021 to determine if Luby's Cave contains any federally listed endangered karst invertebrates known to occur within Travis County.

According to the USFWS, there are a total of 6 federally listed karst invertebrate species found within Travis County, Texas: Bone Cave harvestman (*Texella reyesi*), Tooth Cave ground beetle (*Rhadine persephone*), Bee Creek Cave harvestman (*Texella reddelli*), Kretschmarr Cave mold beetle (*Texamaurops reddelli*), Tooth Cave pseudoscorpion (*Tartarocreagris texana*), and Tooth Cave spider (*Neoleptoneta myopica*). Each of these invertebrates is troglobitic and spends its entire life underground in karst terrain containing voids/caves with suitable habitat conditions.

Table 1 (below) presents recorded hand surface and interior (data logger) conditions for each collection date of the Luby's Cave survey.

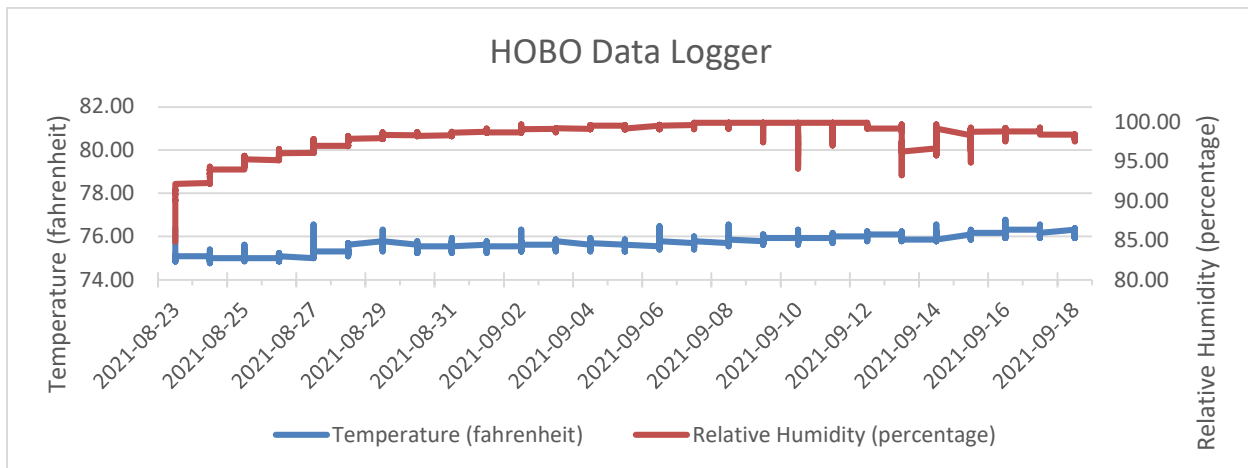
**Table 1 – Luby's Cave**

Date/Time	Surface Conditions	Interior Conditions	Endangered Cave Fauna Observed/Collected
08/23/21 9:00am	79°F 79% relative humidity	81.49°F 69.06% relative humidity	No
08/25/21 9:00am	79°F 80% relative humidity	75.88°F 94.88% relative humidity	No
08/27/21 9:00am	77°F 100% relative humidity	75.24°F 96.98% relative humidity	No
08/29/21 9:00am	77°F 90% relative humidity	75.78°F 98.42% relative humidity	No
08/31/21 9:00am	79°F 79% relative humidity	75.55°F 98.79% relative humidity	No
09/02/21 9:00am	81°F 84% relative humidity	75.62°F 98.76% relative humidity	No
09/04/21 9:00am	80°F 79% relative humidity	76°F 99% relative humidity	No
09/06/21 9:00am	83°F 69% relative humidity	75.62°F 99.66% relative humidity	No
09/08/21 9:00am	75°F 84% relative humidity	75.78°F 99.98% relative humidity	No
09/10/21 9:00am	73°F 57% relative humidity	75.7°F 98.31% relative humidity	No

Date/Time	Surface Conditions	Interior Conditions	Endangered Cave Fauna Observed/Collected
09/12/21 9:00am	73°F 77% relative humidity	75.93°F 99.98% relative humidity	No
09/14/21 9:00pm	77°F 74% relative humidity	75.93°F 99.24% relative humidity	No
09/16/21 9:00pm	81°F 60% relative humidity	76.09°F 99.24% relative humidity	No
09/18/21 9:00pm	76°F 76% relative humidity	76.17°F 97.97% relative humidity	No

Table 2 presents the recorded data logger (Onset HOBO® MX2302 Humidity and Temperature Data Logger with External Sensor) interior conditions for Luby's Cave. The data logger was mounted on the northern interior wall of Luby's Cave. Ambient temperature and relative humidity measurements were recorded every 30 minutes from the beginning to the end of the invertebrate survey.

**Table 2**  
**Luby's Cave – HOBO Data Logger**



During the invertebrate survey, 2 (glass) pitfall traps were placed on either side of the cave floor and baited with blue cheese crumbles in the time periods between the latter survey events (after 12 September). However, due to large populations of (non-native) tawny crazy ants (*Nylanderia fulva*) throughout the cave, sticky traps were not used. In addition, plastic (removable) baby bottle traps were not used because most of the cave was accessible for the survey collection events. The existing steel manhole lid was securely placed over the cave entrance after each survey visit to maintain cool, moist, dark conditions to the extent practicable.

Based on the invertebrate survey results of Luby's Cave, no federally listed endangered karst invertebrates were observed, collected, and/or captured in any of the specified (pitfall) traps. All



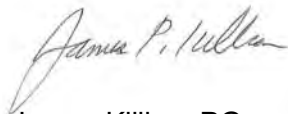
the collected specimens (including surface accidentals and [non-endangered] troglodone and/or troglodone species) were hand-delivered to Dr. James Reddell at the University of Texas (UT) Brackenridge Field Laboratory for proper taxonomic identification.

Based on Dr. Reddell's taxonomic review of the karst invertebrate survey collection, at least 2 cave-adapted species (troglodites) were found in Luby's Cave. One is the millipede *Cambala speobia*, which is abundant in caves throughout Central Texas and the Edwards Plateau. The second troglodite is the eyeless meshweaver spider, *Cicurina (Cicurella)* sp. Of note, no species of the genus *Cicurina* within Travis County are considered endangered. In addition, 4 specimens of a (not-federally listed and/or endangered) short-tailed whipscorpion belonging to the order *Schizomida* were found in Luby's Cave. The entire taxonomic list for identification of specimens collected from Luby's Cave by Dr. Reddell is attached to this report.

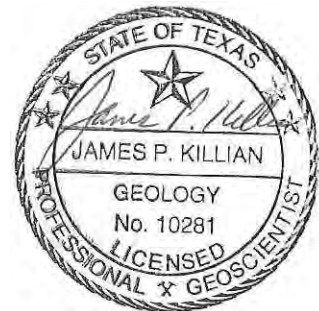
Based on the results of this survey, no federally listed endangered karst invertebrates were collected from the 14 karst invertebrate survey events (23 August 2021 to 18 September 2021). However, due to the documented presence of short-tailed whipscorpions (*Schizomida*), Luby's Cave should be kept accessible for further scientific research.

It is Horizon's opinion that proposed development of the subject site would have "no effect" on any of the 6 federally listed endangered karst invertebrate species that occur in Travis County. If you have any future questions, please feel free to contact me or Scott Flesher.

Sincerely,  
For Horizon Environmental Services, Inc.  
Registered TBPG Firm No. 50488



James Killian, PG  
Principal Geoscientist



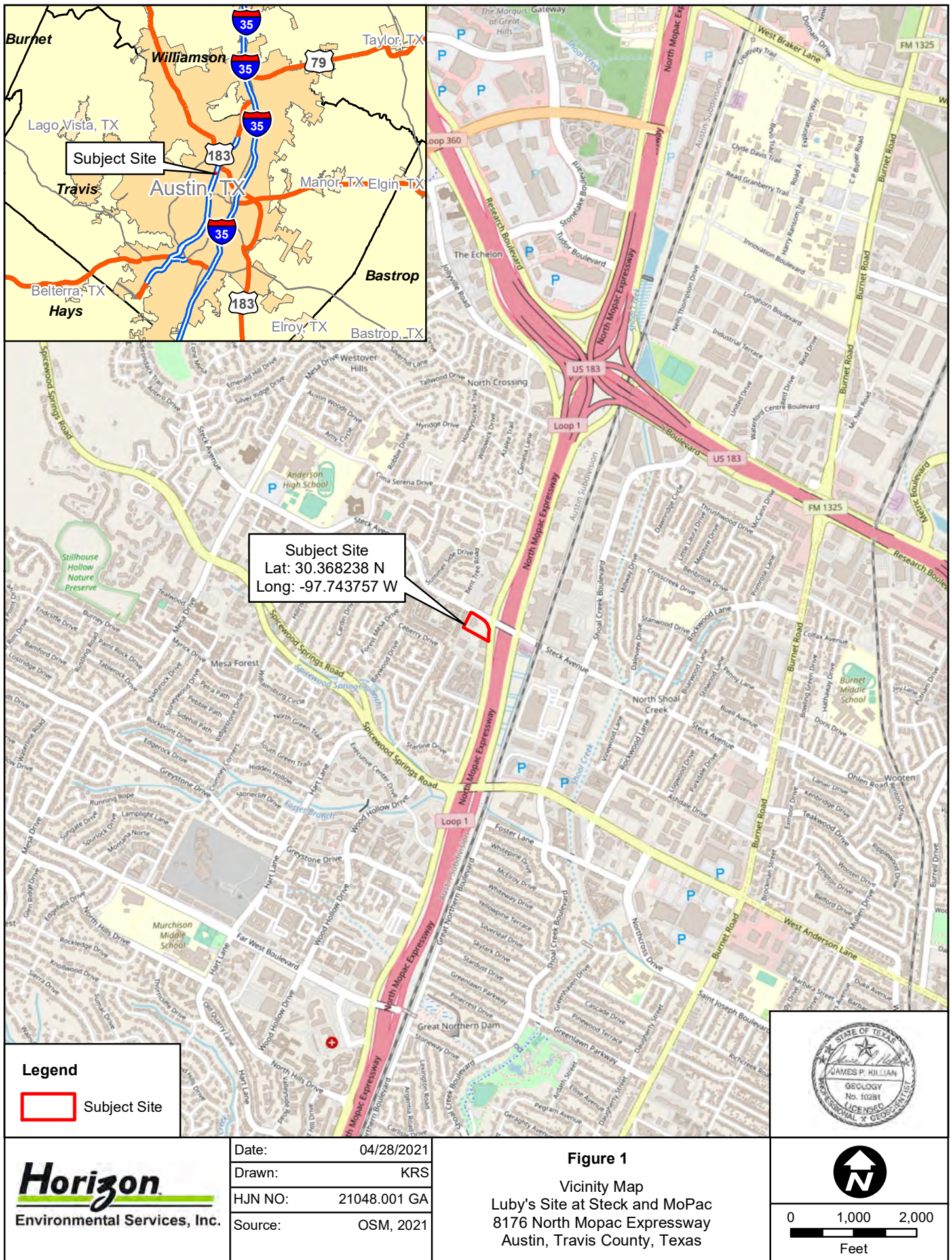
## REFERENCES:

- (Nearmap) Nearmap US, Inc. Nearmap Vertical™ digital orthographic photograph, <<https://go.nearmap.com>>. Imagery date 7 May 2021.
- (OSM) OpenStreetMap contributors. Open Street Map, <<http://www.openstreetmap.org>>. Available under the Open Database License ([www.opendatacommons.org/licenses/odbl](http://www.opendatacommons.org/licenses/odbl)). Accessed 28 April 2021.
- (TCEQ) Texas Commission on Environmental Quality, Edwards Aquifer Protection Program. Edwards Aquifer Viewer, <<http://gis.tceq.state.tx.us/website/iredwards1/viewer.htm>>. Accessed 17 September 2021.
- (TPWD) Texas Parks and Wildlife Department. Natural Diversity Database, T/E and Rare Species Elemental Occurrences. Wildlife Division, Habitat Assessment Program, Austin, Texas. Data downloaded 17 September 2021.
- (USFWS) US Fish and Wildlife Service. Section 10(a)(1)(A) Scientific Permit Requirements for Conducting Presence/Absence Surveys for Endangered Karst Invertebrates in Central Texas. 2015.
- (UT-BEG) The University of Texas at Austin Bureau of Economic Geology; C.V. Proctor, Jr., T.E. Brown, J.H. McGowen, N.B. Waechter, and V.E. Barnes. Geologic Atlas of Texas, Austin Sheet. Francis Luther Whitney Memorial Edition. 1974; reprinted 1995.
- Veni, George, and Associates. *Geologic controls on cave development and the distribution of cave fauna in the Austin, Texas, region*. Prepared for the US Fish and Wildlife Service, Austin, Texas. 1991.

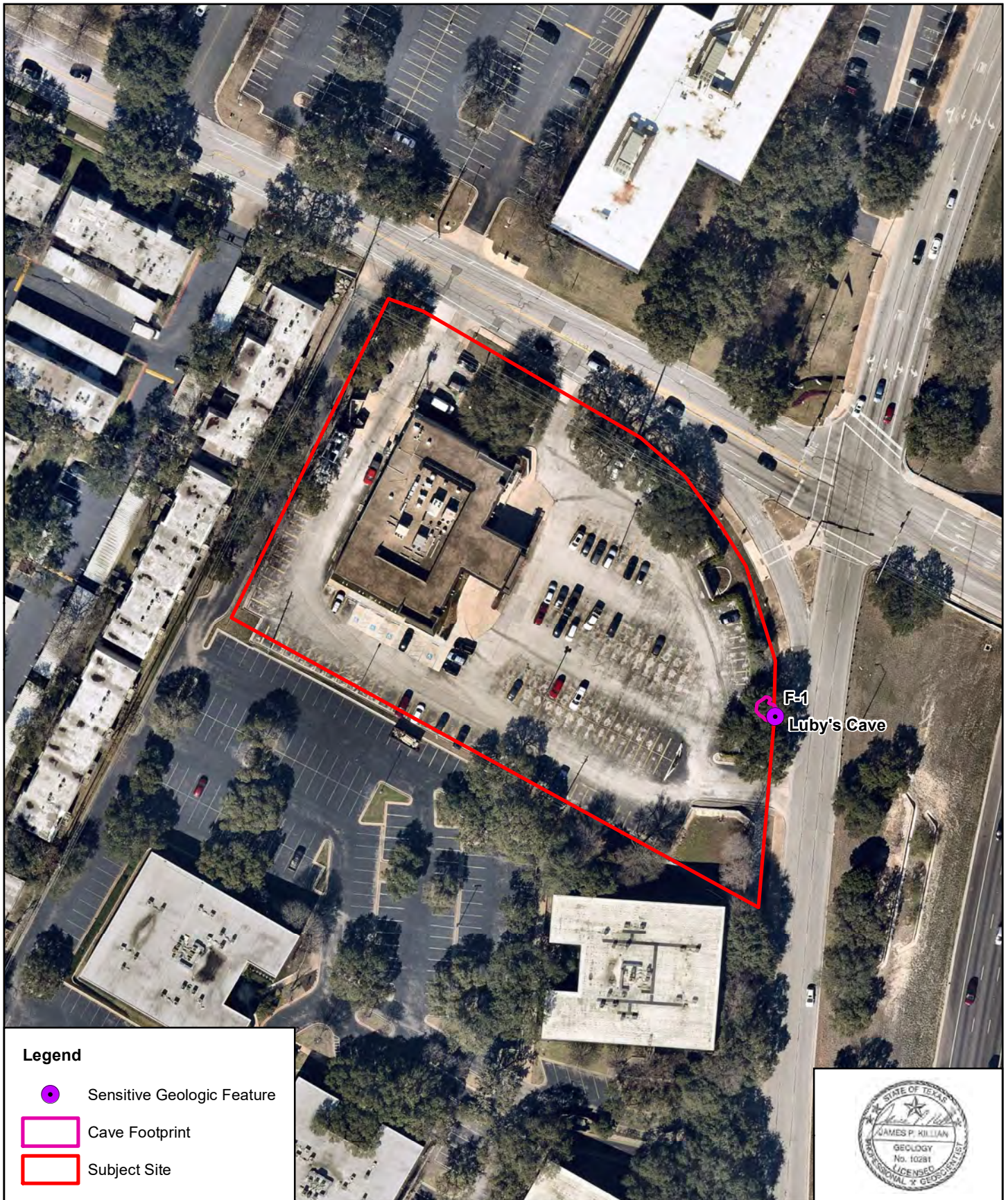
**ATTACHMENTS**

FIGURES  
CAVE MAP  
TAXONOMY INVERTEBRATE REPORT












#### Legend

-  Sensitive Geologic Feature
-  Cave Footprint
-  Subject Site



**Horizon**  
Environmental Services, Inc.

Date:	04/28/2021
Drawn:	KRS
HJN NO:	21048.001 GA
Source:	Nearmap, 2021

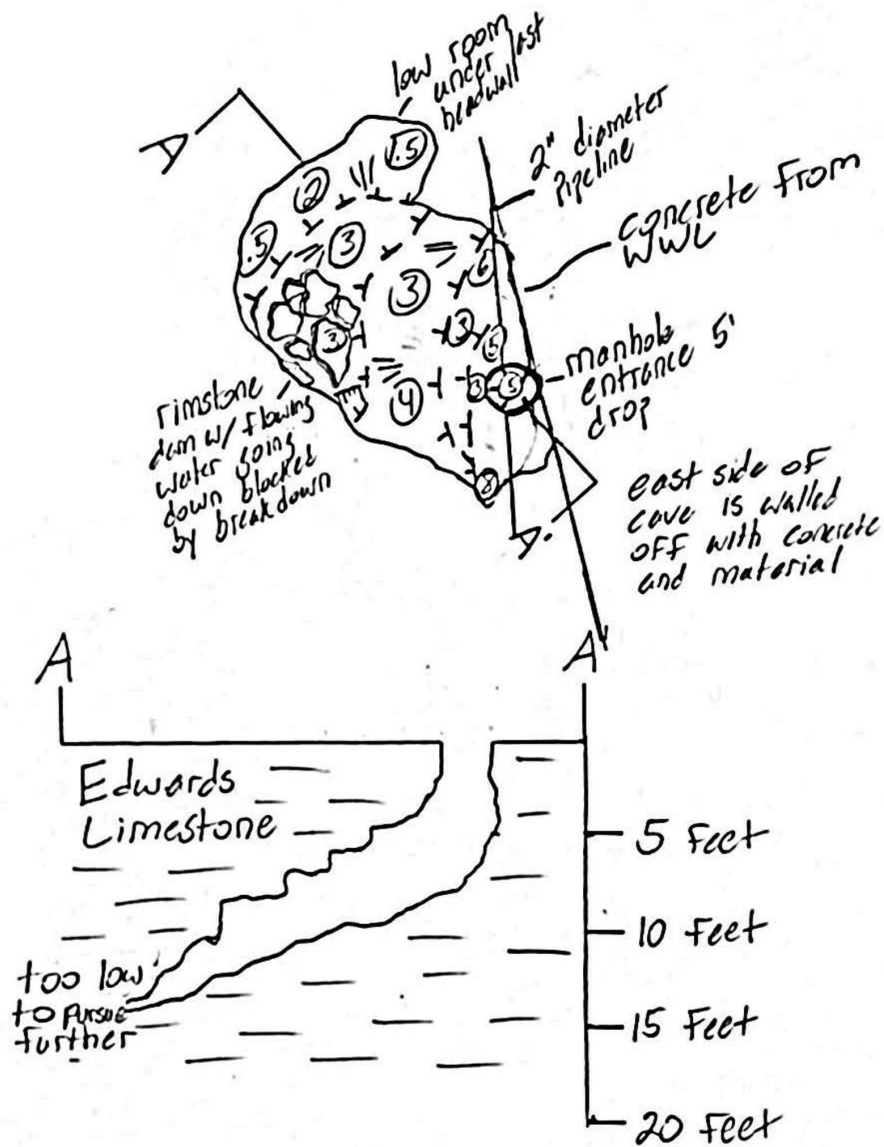
#### Figure 2

Geologic Feature Map  
Luby's Site at Steck and MoPac  
8176 North Mopac Expressway  
Austin, Travis County, Texas



0 50 100  
Feet







# Identification of Specimens from Luby's Cave, Travis County, Texas

James R. Reddell

21 September 2021

Fourteen collections were made in Luby's Cave by James Killian, Greg Sherrod, Cherman Hall, and Zach Blackburn of Horizon Environmental. Most of the material collected is common surface species found in urban areas. Others are soil dwellers. Two cave-adapted species (troglobites) were found. One is the millipede *Cambala speobia* which is extremely abundant in caves throughout Central Texas and the Edwards Plateau. The second troglobite is the eyeless meshweaver spider *Cicurina* (*Cicurella*) sp. The specimens cannot be identified except by a taxonomic specialist. No species of the genus *Cicurina* in Travis County are endangered. The most remarkable species found were four specimens taken on three separate dates of a short-tailed whipscorpion belonging to the order Schizomida. The only other record of the order in Travis County is of *Stenochrus portoricensis* from Millipede Cave at McNeil. This species is doubtless introduced and can reproduce without the presence of males. The only other U.S. record of the species is in southern Florida.

There were no endangered species found nor are any likely to occur in the cave due to its small size and shallow habitat. The cave, nevertheless, is of significance due to the presence of the Schizomida and should be kept open and made available for scientific research.

## Results

### 23 August 2021

Soil centipedes: Geophilomorpha undetermined (1)  
Hot house millipedes: *Oxidus gracilis* (1)

### 25 August 2021

Millipedes: *Cambala speobia* (troglobite) (2)  
Hot house millipedes: *Oxidus gracilis* (1)  
Wasps: Hymenoptera undetermined no. 3 (1)

### 27 August 2021

Hot house millipedes: *Oxidus gracilis* (1)  
Wasps: Hymenoptera undetermined no. 2 (1)

### 29 August 2021

Pillbugs: *Armadillidium vulgare* (2)  
Meshweaver spiders: *Cicurina* (*Cicurella*) sp. (eyeless) (troglobite) (1 female)  
Hot house millipedes: *Oxidus gracilis* (2)

### 31 August 2021

Snails: *Helicodiscus* sp. (troglophile) (1)  
Pillbugs: *Armadillidium vulgare* (1)  
Short-tailed whipscorpion: Hubbardiidae genus and species (1)  
Spiders: Araneae undetermined (1)  
Hot house millipede: *Oxidus gracilis* (1)  
Cockroaches: Blattaria undetermined (1)

### 2 September 2021

Spiders: Araneae (2)  
Meshweaver spiders: *Cicurina* sp. (1 juvenile)  
Rock centipedes: Lithobiidae genus and species (1)  
Earwigs: Dermaptera undetermined (1)

**4 September 2021**

Earthworm: Haplotaxida undetermined (1)\  
Pillbugs: *Armadillidium vulgare* (2)  
Earwigs: Dermaptera undetermined (3)

**6 September 2021**

Pillbugs: *Armadillidium vulgare* (2)  
Short-tailed whipscorpion: Hubbardiidae genus and species (2)  
Hot house millipedes: *Oxidus gracilis* (1)  
Garden centipedes: Symphyla undetermined (1)  
Insect: Insecta undetermined (1)  
Cockroaches: Blattaria undetermined (1)

**8 September 2021**

Snail: *Helicodiscus* sp. (troglophile) (1)  
Meshweaver spiders: *Cicurina* (*Cicurella*) sp. (eyeless) (troglobite) (1 juvenile)  
Insect: Insecta undetermined (1)  
Wasps: Hymenoptera undetermined no. 2 (2)

**10 September 2021**

Millipedes: *Cambala speobia* (troglobite) (1)  
Insect: Insecta undetermined (1)  
Cockroaches: Blattaria undetermined (1)  
Earwigs: Dermaptera undetermined (1)  
Wasps: Hymenoptera undetermined no. 2 (7)

**12 September 2021**

Pillbugs: *Armadillidium vulgare* (1)  
Short-tailed whipscorpion: Hubbardiidae genus and species (1)  
Meshweaver spiders: *Cicurina* (*Cicurella*) sp. (eyeless) (troglobite) (1 juvenile)  
Cockroaches: Blattaria undetermined (1)

**14 September 2021**

Pillbugs: *Armadillidium vulgare* (3)  
Sow bugs: *Porcellio* sp. (2)  
Hot house millipedes: *Oxidus gracilis* (1)  
Cockroaches: Blattaria undetermined (4)  
Earwigs: Dermaptera undetermined (3)

**16 September 2021**

Earthworm: Haplotaxida undetermined (1)  
House centipedes: Scutigridae genus and species (1)  
Hot house millipedes: *Oxidus gracilis* (1)  
Cockroaches: Blattaria (1)  
Earwigs: Dermaptera undetermined (1)  
Wasps: Hymenoptera undetermined no. 1 (1)  
Hymenoptera undetermined no. 2 (3)

**18 September 2021**

Pillbugs: *Armadillidium vulgare* (1)  
Millipedes: *Cambala speobia* (troglobite) (1)  
Hot house millipedes: *Oxidus gracilis* (2)  
Earwigs: Dermaptera undetermined (2)

## PUBLIC HEARING INFORMATION

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**Case Number: C14-2021-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: September 30, 2021, City Council**

Wynne Noelle  
Your Name (please print)

3705 Claborn Dr  
Your address(es) affected by this application (optional)

Wynne Noelle  
Signature

☐ I am in favor  
☒ I object

Date

Daytime Telephone (Optional):

Comments: Sometime when I want to  
turn left from Bentley to  
Stock, I have to turn right  
and go several blocks. If a  
person is nice, then I can  
turn left on Forest Mesa or  
Greenlough to Spice Woods Spring  
Already too much traffic.

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

**Sherri Sirwaitis**

P. O. Box 1088, Austin, TX 78767

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)



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**Case Number: C14-2021-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: October 14, 2021, City Council**

GAYLON O. DAVIDSON

Your Name (please print)

8107 CLUB COURT, AUSTIN

☐ I am in favor  
☒ I object

Your address(es) affected by this application (optional)

8107 CLUB COURT, AUSTIN TX 78759-8725

GAYLON O. DAVIDSON

Signature

Date

Daytime Telephone (Optional): 512 291-2273

Comments: 1 OBJECT TO REZONING

TO MIF-6 FOR THIS PROPERTY.

THIS AREA IS DENSE AND  
HAS HEAVY TRAFFIC NOW.

THIS WOULD ONLY MAKE IT  
WORSE

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)

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**Case Number: C14-2021-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: September 30, 2021, City Council**

Adrienne Beldike

Your Name (please print)

☐ I am in favor  
☒ I object

Your address(es) affected by this application (optional)

Abbe

9-27-2021

Signature

Date

Daytime Telephone (Optional): \_\_\_\_\_

Comments: The traffic is already horrible at Steck  
Mapac. With 275 more cars coming to the area,  
this causes concern with traffic fatalities —  
this intersection is already very dangerous.  
I'm disappointed that a true traffic study  
wasn't conducted to understand the impact  
of this new development.

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)

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**Case Number: C14-2021-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: October 14, 2021, City Council**

MIKE HARRIS  
Your Name (please print)

8246 SUMMER SIDE  
Your address(es) affected by this application (optional)

Mike Harris  
Signature

☐ I am in favor  
☒ I object

9-28-21  
Date

Daytime Telephone (Optional): (512) 920-7440

Comments:

The stoppage on Street in  
Red and they speak at one  
end in Mopac get at the  
other end in a high school  
and churches. Blind spot in  
Summer Side with speeding & traffic  
accidents in year. There must be  
stop signs on Street west of Mopac

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)



Michael Harris  
PO Box 1241  
Austin, TX 78755



## PUBLIC HEARING INFORMATION

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**Case Number: C14-2021-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: October 14, 2021, City Council**

*John Fisher*

Your Name (please print) #222

8210 Bent Tree Rd Austin TX 78759

Your address(es) affected by this application (optional)

*John Fisher*

Signature

☐ I am in favor  
☒ I object

9-26-2021

Date

Daytime Telephone (Optional):

Comments: *Don't change zoning.*

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**Sherri Sirwaitis**

P. O. Box 1088, Austin, TX 78767

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**Case Number: C14-2021-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: September 30, 2021, City Council**

RONALD TURNER

Your Name (please print)

3709 Claburn Dr., Austin 78759

Your address(es) affected by this application (optional)

Ronald Turner

Signature

23 Sept 2021

Date

Daytime Telephone (Optional): 512-243-7100

Comments:

Our traffic at Steek and Mo Pac is  
already a significant problem. The problem  
will greatly increase with this planned  
development. This development will damage  
our neighborhood.

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P. O. Box 1088, Austin, TX 78767

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☐ I am in favor  
☒ I object

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Case Number: C14-2021-0100

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: September 30, 2021, City Council

Arnold Henson

Your Name (please print)

☐ I am in favor  
☒ I object

3602 Kentfield Rd.

Your address(es) affected by this application (optional)

Gund Henson

Signature

9-21-2021

Date

Daytime Telephone (Optional):

Comments: This area is already heavily populated and traffic congestion has increased. This is in large part due to the existing number of apartment complexes, office buildings and condominiums. It worsens during the school year with the nearby high school. Please don't increase the problems we must face on a daily basis.

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P. O. Box 1088, Austin, TX 78767

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**Case Number: C14-2021-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: September 30, 2021, City Council**

Linda C. Johnson

Your Name (please print)

☐ I am in favor  
☒ I object

3412 Claburn Dr, Austin TX 78759

Your address(es) affected by this application (optional)

f. Linda C. Johnson

Signature

9/20/21

Date

Daytime Telephone (Optional): 512-346-4576

Comments: See attached

If you use this form to comment, it may be returned to:  
City of Austin, Housing & Planning Department

**Sherri Sirwaitis**

P. O. Box 1088, Austin, TX 78767

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)

**To:**  
**Subject:**

Sherri Sirwaitis (Case C14-2021-0100)  
Case C14-2021-0100

The undersigned, long time property owner and resident of 3612 Claburn Drive, strenuously objects to any zoning change that would increase the density of traffic on Steck Avenue which is my main access to anywhere from Claburn Drive at the deadend of Bent Tree. Claburn Drive is also a deadend off of Bent Tree. It is already difficult to turn onto Steck Ave. from Bent Tree, especially during AM and PM rush hours, noon hours (11:30 to 1:30 pm) and when Anderson High School students are driving to and from school. This is in addition to pedestrians, bicyclists, bus stops and much traffic entering and turning onto and off of Steck and the MOPAC frontage road. Granting the zoning change will just further overburden the existing roads and create more hazards for current residents and long term tax payers living here.

Respectfully submitted,

  
Linda C. Johnson

## PUBLIC HEARING INFORMATION

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Case Number: C14-2021-0100

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: September 30, 2021, City Council

MARIO L GARCIA

Your Name (please print)

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

5210 BENT TREE RD #212

Your address(es) affected by this application (optional)

Mario L Garcia

Signature

9/20/2021

Date

Daytime Telephone (Optional): 512 961 8535

Comments: I STRONGLY OBJECT BECAUSE  
OF THE RAPID INCREASE OF TRAFFIC  
ON STECK AVE. ~~TO~~ ONE OF MY NEIGHBORS  
WAS KILLED BY A HIT AND RUN ~~ON~~ ON  
STECK + SUMMER SIDE AND ANOTHER  
HIT BY A CAR ON STECK AND ~~NEAR~~  
MESA DR.

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)



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Case Number: C14-2021-0100

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: September 30, 2021, City Council

Scott Bohmann

Your Name (please print)

☐ I am in favor  
☒ I object

Archer Gate / Summerwood II

Your address(es) affected by this application (optional)

Scott Bohmann

Signature

13 Sept 2021

Date

Daytime Telephone (Optional):

Comments: there will be too much traffic  
at Steek and Bert Tree and Summer Side Drive  
There already is too much traffic due to Steek  
Anderson High School. It is almost impossible  
to turn left from Summer Side or Bert Tree  
to go East on Steek. A multi family high  
density project will make this congested  
street worse.

Please reconsider! Thank you.

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City of Austin  
SEP 15 2021  
NHCD / AHFC

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Case Number: C14-2021-0100

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: September 30, 2021, City Council

Katie Millan  
Your Name (please print)

☐ I am in favor  
☒ I object

3605 Steck Ave 78759  
Your address(es) affected by this application (optional)

Katie Millan  
Signature

9/11/21  
Date

Daytime Telephone (Optional): \_\_\_\_\_

Comments: I firmly believe this will  
clog the current intersection  
drastically. Mopac/Steck is  
already backed up 1/2 mile  
during rush hours. There are  
already 5 apartment complexes  
within walking distance. This  
would be better suited as a  
strip mall than a multifamily  
residence.

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**Case Number: C14-2021-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: October 14, 2021, City Council**

Janna Nash

Your Name (please print)

☐ I am in favor  
☒ I object

3740 Steck Ave.

Your address(es) affected by this application (optional)

Janna M. Nash

Signature

9-27-21

Date

Daytime Telephone (Optional): \_\_\_\_\_

Comments: This street and intersection  
is already too busy. There are  
Multiple Apartments, Condo's,  
Townhome from Mopac all the  
way down Steck Ave. Traffic  
will be a mess. Not to mention  
those along Mopac already.

If you use this form to comment, it may be returned to:

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Sherri Sirwaitis

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Case Number: C14-2020-0100

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: August 3, Zoning and Platting Commission

TERRY GREGORY

Your Name (please print)

3623 Kentfield RD

Your address(es) affected by this application

Terry Gregory

Signature

☐ I am in favor  
☒ I object

7/29/2021  
Date

Daytime Telephone: 512-657-1316

Comments: I am opposed to this proposal because the traffic caused by the increased population of this neighborhood, which is heavy now, would become even worse. Please do not approve this proposal.

City of Austin

AUG 01 2021

NHCD / AHFC

If you use this form to comment, it may be returned to:  
City of Austin, Planning & Zoning Department  
Sherri Sirwaitis  
P. O. Box 1088, Austin, TX 78767-8810

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**Case Number: C14-2020-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: August 3, Zoning and Platting Commission**

Leo H + Teresa J White  
Your Name (please print)

8111 West Court, 78759  
Your address(es) affected by this application

[Signature]  
Signature

☐ I am in favor  
☒ I object

7/27/21  
Date

Daytime Telephone: 210-349-2450

Comments: We oppose any structure more than 2 stories in height.

City of Austin

AUG 01 2021

NHCD / AHFC

If you use this form to comment, it may be returned to:

City of Austin, Planning & Zoning Department

**Sherri Sirwaitis**

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

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**Case Number: C14-2020-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: August 3, Zoning and Platting Commission**

SALVATORE GALATI

Your Name (please print)

8210 BENT TREE RD #130

Your address(es) affected by this application

Sherri Sirwaitis

Signature

☐ I am in favor  
☒ I object

7/24/21  
Date

Daytime Telephone: 512 584 5312

Comments: I am afraid this is a  
speculative development proposal,  
that may lower the quality of  
the neighborhood

DAVE TO 1971 @ GMAIL . com

If you use this form to comment, it may be returned to:  
City of Austin, Planning & Zoning Department

**Sherri Sirwaitis**

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

**[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)**



## PUBLIC HEARING INFORMATION

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Case Number: C14-2020-0100

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: August 3, Zoning and Platting Commission

HUGH HIGGINS

Your Name (please print)

8115 E. COURT, 78759

Your address(es) affected by this application

[Signature]

Signature

☒ I am in favor  
☒ I object

7-24-21

Date

Daytime Telephone: 512-775-9872

Comments:

I DO NOT OPPOSE/OBJECT  
TO THE NEW ZONING.

HOWEVER, MY APPROVAL IS  
SUBJECT TO HAVING ALL  
INGRESS AND EGRESS VEHICLE  
TRAFFIC BE LIMITED TO THE  
NO P/R SERVICE ROAD = NOT STREET

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City of Austin, Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)

City of Austin  
JUL 27 2021  
NHCD / AHFC

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**Case Number: C14-2020-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: August 3, Zoning and Platting Commission**

HANID NIZOUMAND - RAD

Your Name (please print)

☐ I am in favor  
☒ I object

8210 BENT TREE Rd. #125

Your address(es) affected by this application

Hind Rd

Signature

7/23/21

Date

Daytime Telephone: 512-587-9400

Comments: already crowded

intersection of Steak &  
MO-Pac. too many cars  
making it unsafe for  
all of us.

If you use this form to comment, it may be returned to: City of Austin  
City of Austin, Planning & Zoning Department

**Sherri Sirwaitis**

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

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JUL 27 2021

NHCD / AHFC

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**Case Number: C14-2020-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: August 3, Zoning and Platting Commission**

WYNNELE NDEUKE  
Your Name (please print)

3705 CLABAIN DR  
Your address(es) affected by this application

Wynnele Ndeuke  
Signature

☐ I am in favor  
☒ I object

July 24, 2020  
Date

Daytime Telephone: 512-373-8267

Comments:

This High Rise Building will  
increase the traffic WAY  
TOO MUCH.  
We will need a Stop Light at  
Bent Tree & Steck!

If you use this form to comment, it may be returned to:  
City of Austin, Planning & Zoning Department  
Sherri Sirwaitis  
P. O. Box 1088, Austin, TX 78767-8810

Or email to:  
[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)



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**Case Number: C14-2020-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: August 3, Zoning and Platting Commission**

Diane A. Day

Your Name (please print)

8222 Bent Tree Rd. #146

Your address(es) affected by this application

Diane A. Day

Signature

July 26, 2021

Date

Daytime Telephone: 512 340-042

Comments:

We do not need an increase  
on density. Subys is a welcome,  
stable business. More apart-  
ments, etc. mean an increase  
in traffic + congestion which  
is NOT desirable.

Diane Day

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City of Austin, Planning & Zoning Department

**Sherri Sirwaitis**

P. O. Box 1088, Austin, TX 78767-8810

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Case Number: C14-2020-0100

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: August 3, Zoning and Platting Commission

Thomas C. Truehard

Your Name (please print)

8210 BENT TREE

Your address(es) affected by this application

[Signature]

Signature

Date

Daytime Telephone: 512 995 8411

Comments: Too much Traffic

☐ I am in favor  
☒ I object

If you use this form to comment, it may be returned to:

City of Austin, Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767-8810

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Case Number: C14-2020-0100

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: August 3, Zoning and Platting Commission

McKOWN, ROBERT DALE

Your Name (please print)

8210 BENT TREE RD #252  
AUSTIN, TX 78759

Your address(es) affected by this application

Robert Dale McKown

Signature

☐ I am in favor  
☒ I object

7-24-21  
Date

Daytime Telephone: 737 222 8823

Comments:

Traffic will be blocked  
up by blocks if 475 units are  
built, and with only 2 exits  
onto access rd cars will be  
stacked getting in to and  
out of development.  
Please leave zoning  
at Neighborhood Commercial District  
Also Emergency Vehicles would be delayed.

If you use this form to comment, it may be returned to:

City of Austin, Planning & Zoning Department

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**Case Number: C14-2020-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: August 3, Zoning and Platting Commission**

MIKE L HARRIS  
Your Name (please print)

☐ I am in favor  
☒ I object

8246 SUMMER SIDE DRIVE  
Your address(es) affected by this application ASTIN, TX 78759

Mike L Harris 7-26-21  
Signature Date

Daytime Telephone: (512) 920-7440

Comments: harrism2334@gmail.com

There is too much traffic on  
Street. A woman was killed by a  
bus and over 10 years ago they have  
been 2 weeks at Summer Side and  
Street, at one end is a hospital and at the  
other end is a high school and have  
churches, speeding, too much traffic

If you use this form to comment, it may be returned to:

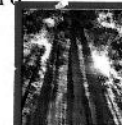
City of Austin, Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)



**Mr Mike Harris**  
PO Box 29241  
Austin, TX 78755

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**Case Number: C14-2020-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: August 3, Zoning and Platting Commission**

GAYLON O. DAVIDSON

Your Name (please print)

8107 CLUB COURT, AUSTIN, TX 78759

☐ I am in favor  
☒ I object

Your address(es) affected by this application

Gaylon O. Davidson

1/24/21

Signature

Date

Daytime Telephone:

512 291-2273

Comments:

I OBJECT TO MF DESIGNATION  
FOR THIS PROPERTY

City of Austin

JUL 28 2021

NHCD / AHFC

If you use this form to comment, it may be returned to:

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**Case Number: C14-2020-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: August 3, Zoning and Platting Commission**

*John Fisher*

Your Name (please print)

*8210 Bent Tree Rd. 222<sup>nd</sup> Austin TX 78759*

Your address(es) affected by this application

*[Signature]*

Signature

☐ I am in favor  
☒ I object

*7-25-2021*

Date

Daytime Telephone: \_\_\_\_\_

Comments: *Don't change the zoning.*

*City of Austin*

*JUL 28 2021*

*NHCD / AHFC*

If you use this form to comment, it may be returned to:  
City of Austin, Planning & Zoning Department

**Sherri Sirwaitis**

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

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Case Number: C14-2021-0100

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: September 30, 2021, City Council

MIKE HARRIS

Your Name (please print)

8246 SUMMER SIDE DRIVE

Your address(es) affected by this application (optional)

Mike Harris

Signature

9-15-21

Date

Daytime Telephone (Optional): (512) 920-7440

Comments:

There is too much traffic on Stark. We have had accidents at Summer Side Drive and Stark. At one end is MoPac. At the other end is Anderson High School and three large churches. We can not get out on Stark from Austin to 6

SEP 20 2021

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)

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**Case Number: C14-2021-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: September 30, 2021, City Council**

GAYLON O. DAVIDSON

Your Name (please print)

8107 CLUB COURT, AUSTIN

Your address(es) affected by this application (optional)

Gaylon O. Davidson

Signature

☐ I am in favor  
☒ I object

78759  
9/10/21  
Date

Daytime Telephone (Optional):

Comments:

City of Austin

SEP 20 2021

NHGD / AHFC

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)

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SEP 20 2021  
NHCD / AHFC

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Case Number: C14-2021-0100

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: September 30, 2021, City Council

Barbara Watt

Your Name (please print)

☐ I am in favor  
☒ I object

3702 Steak Avenue

Your address(es) affected by this application (optional)

B. Watt

Signature

9-13-21

Date

Daytime Telephone (Optional): 512-769-5851

Comments: ① High traffic area; Both cars waiting on Steak to turn right to access entry to MoPac and ② Exit onto MoPac access road would be dangerous as if the exit would be right across from entrance to MoPac which would require crossing three lanes to get to access.

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access rd  
②  
Stek  
Lobby's  
①



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Case Number: C14-2021-0100

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: September 30, 2021, City Council

McKOWN, Robert D.  
Your Name (please print)

<input type="checkbox"/>	I am in favor
<input checked="" type="checkbox"/>	I object

McKOWN, ROBERT D  
Your address(es) affected by this application (optional)  
8210 BENTLEY 252  
AUSTIN, TX 78759  
Signature

9-15-21  
Date

Daytime Telephone (Optional): —

Comments: As previously stated that  
450 apt units will block interaction  
of street + moped, cars and emergency  
units. There is only 2 points of  
express on property also causing blockage  
at AM + PM.  
Property should be left  
as is for neighborhood commercial.

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City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)

City of Austin

SEP 20 2021

NHCD / AHFC

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Case Number: C14-2021-0100

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: September 30, 2021, City Council

LISA GLOYNA

Your Name (please print)

3702 BRANIGAN LANE

Your address(es) affected by this application (optional)

Lisa Gloyna

Signature

9-12-2021

Date

Daytime Telephone (Optional):

Comments: A HIGH RISE HIGH DENSITY RESIDENCE AT THIS LOCATION WILL COMPOUND AN ALREADY HIGHLY CONGESTED TRAFFIC AREA. THIS CORNER BORDERS A STREET ON WHICH A LARGE HIGH SCHOOL IS LOCATED (ANDERSON H.S.) AND THE SERVICE ROAD TO MOPAC. AT TRUSH HOUR IN THE MORNING AND EVENING THE TRAFFIC CAN BACK UP A GREAT DISTANCE ON THE SERVICE RD TO MOPAC AND STECK AVE. THIS MAKES IT VERY DIFFICULT TO ACCESS THE BUILDINGS AT THIS INTERSECTION. THIS IS ALSO A DESIGNATED BICYCLE ROUTE IN AUSTIN. THIS CREATES AN EXTREME DANGER TO BICYCLISTS AND PEDESTRIANS.

☐ I am in favor  
☒ I object

City of Austin

SEP 20 2021

NHCD / AHFC

If you use this form to comment, it may be returned to:  
City of Austin, Housing & Planning Department  
Sherri Sirwaitis  
P. O. Box 1088, Austin, TX 78767  
Or email to:  
[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)

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**Case Number: C14-2020-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: August 3, Zoning and Platting Commission**

MARCIA HOUSTON

Your Name (please print)

☐ I am in favor  
☒ I object

3707 CLABURN DR 78759

Your address(es) affected by this application

Marcia Houston

Signature

7/29/2021

Date

Daytime Telephone: 512.345.5859

Comments: MF6  
1) destroys neighborhood ambience  
of low-rise homes and buildings

2) increases traffic - already congested with  
rush hour traffic and high school students

3) Steck and Anderson Lane are  
• only 2 thru streets EW over MoPac  
• Steck is MoPac exit for Anderson Lane

4) there is high number of traffic  
accidents on Steck @ MoPac

5) Huber's is neighborhood icon  
and landmark

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City of Austin, Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

sherri.sirwaitis@austintexas.gov

City of Austin

AUG 01 2021

NHCD / AHFC



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**Case Number: C14-2021-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: October 14, 2021, City Council**

Clara Chou

Your Name (please print)

3613 Kentfield Rd. Austin TX  
78759

☐ I am in favor  
☒ I object

Your address(es) affected by this application (optional)

Clara Chou

Signature

10/6/21  
Date

Daytime Telephone (Optional): 713 922 3553

Comments:

This new proposal for rezoning  
is absolutely a very bad idea to  
create a heavy traffic at the  
intersection of Stech & Mopac, and tremendously  
increase the risk of accidents.

I am strongly objecting this  
proposal.

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

**Sherri Sirwaitis**

P. O. Box 1088, Austin, TX 78767

Or email to:

**sherri.sirwaitis@austintexas.gov**



## PUBLIC HEARING INFORMATION

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**Case Number: C14-2021-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: October 14, 2021, City Council**

Steven + Sherry Garza  
Your Name (please print)

☐ I am in favor  
☒ I object

3610 Claburn Dr., Ashh, Tx 78759  
Your address(es) affected by this application (optional)

[Signature]  
Signature

10/1/21  
Date

Daytime Telephone (Optional): 512-563-2357

Comments: This would create a material increase  
in ~~traffic~~ local traffic and potential for accidents.

City of Austin  
OCT 06 2021  
NHCD / AHFC

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**Case Number: C14-2021-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: October 14, 2021, City Council**

*Scott Behmann*

Your Name (please print)

*the ansons condo  
Summer Side Drive*

Your address(es) affected by this application (optional)

*Scott Behmann*

Signature

*9-30-2021*

Date

Daytime Telephone (Optional): \_\_\_\_\_

Comments:

*Since school is back in (Anderson HS)  
traffic is terrible trying to turn left  
from Bent Tree or Summer Side Drive  
into street especially in afternoons  
The adding more residents/bleeding  
traffic will make it worse.*

*Thank you!*

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P. O. Box 1088, Austin, TX 78767

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)

*City of Austin*

*OCT 03 2021*

*NHCD / AHFC*



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Case Number: C14-2021-0012

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: October 14, 2021, City Council

City of Austin

OCT 06 2021

NHCD / AHFC

Angelica Netzel

Your Name (please print)

☐ I am in favor  
☒ I object

6325 Avery Island Ave, Austin, TX 78727

Your address(es) affected by this application (optional)

Angelica Netzel

Signature

9-28-2021

Date

Daytime Telephone (Optional) 512-660-0022

Comments: I object to the re-zoning unless certain conditions are met -

That the developer plant & maintain a dense & continuous tree buffer west of the power lines all the way from LOT 11 into LOT 14F to McNeil Rd. That they adhere to prohibited uses recommended by P&Z commission with 2 additional prohibitions

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City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)

SEE  
Attached.



## **RECOMMENDED BY P&Z COMMISSION HEARING**

**NO...**

**Automotive repair services  
Basic industry  
Building maintenance services  
Campground  
Commercial off-street parking  
Construction sales and services  
Convenience storage  
Custom manufacturing  
Drop-off Recycling collection facility  
Funeral services  
General warehouse & distribution  
Kennels  
Laundry services  
Light manufacturing  
Recycling center  
Maintenance & service facilities  
Outdoor entertainment  
Pedicab storage & dispatch  
Resource extraction  
Scrap & salvage  
Service station  
Theater  
Transportation terminal  
Vehicle storage**

**Neighborhood requesting 2 additional prohibitions...**

- 1. No Automotive Rentals**
- 2. No Off-site Accessory Parking**

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Case Number: C14-2021-0100

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: October 14, 2021, City Council

MARCIA HOUSTON

Your Name (please print)

3707 Claburn Dr.

Your address(es) affected by this application (optional)

Marcia Houston

Signature

☐ I am in favor  
☒ I object

10/1/2021

Date

Daytime Telephone (Optional): 512.345.5859

Comments:

- no traffic study has been done.
- Traffic is already heavy
- tract is on 2 coves w/ salamanders
- area needs low profile commercial
- no park space has been offered

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

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P. O. Box 1088, Austin, TX 78767

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sherri.sirwaitis@austintexas.gov

City of Austin

OCT 08 2021

NHCD / AHFC



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Case Number: C14-2021-0100

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: September 30, 2021, City Council

Kar-Hoe Chan

Your Name (please print)

8114 Sonnet Ave, Austin TX 78759

Your address(es) affected by this application (optional)

*[Signature]*

Signature

9/27/21

Date

Daytime Telephone (Optional): 718-709-6310

Comments:

City of Austin

OCT 07 2021

NHCD / AHFC

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

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P. O. Box 1088, Austin, TX 78767

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**Case Number: C14-2021-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: October 14, 2021, City Council**

*JOSE I. GARCIA*

Your Name (please print)

*3604 KENTFIELD RD*

Your address(es) affected by this application (optional)

*J Garcia*

Signature

☐ I am in favor  
☒ I object

*11 SEP 2021*

Date

Daytime Telephone (Optional): \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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P. O. Box 1088, Austin, TX 78767

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)

## INFORMACIÓN DE AUDIENCIA PÚBLICA

Esta petición de zonificación / rezonificación será revisada y se tomarán medidas en dos reuniones públicas diferentes: antes de la Comisión de Usos Urbanos y el consejo municipal. Aunque se espera que solicitantes y/o su(s) agente(s) se presenten en una audiencia pública, usted no está obligado de atender. Esta reunión se llevará a cabo tanto en línea a través de internet igual como en persona. Por estos medios tendrá la oportunidad de hablar A FAVOR o EN CONTRA del propuesto desarrollo o cambio. Póngase en contacto con el administrador de casos para más información sobre cómo participar en las audiencias públicas. Usted también puede contactar organizaciones ambientales o asociaciones de vecinos que han expresado interés en una aplicación que afecta a su vecindario.

Durante la audiencia pública, la comisión podría postergar o continuar audiencia del caso en una fecha futura, o puede evaluar la recomendación de los oficiales municipales y las del público al mismo tiempo mandando su recomendación al cabildo municipal. Si la comisión anuncia una fecha y hora específica para postergar o continuar discusión, y no se extiende más de 60 días, no tendrá obligación de otra notificación pública.

El cabildo municipal, durante su audiencia pública, puede otorgar o negar una petición de zonificación, rezonificar el terreno a una clasificación de zonificación menos intensiva que lo que es pedida. En ningún caso se otorgara una clasificación de zonificación más intensiva de la petición.

Para otorgar un desarrollo de usos urbanos mixtos, el cabildo municipal puede agregar la designación USO MIXTO (MU) DISTRITO COMBINADO, *Mixed-use (MU) Combining District*, a ciertos usos urbanos de comercio. La designación MU- Distrito Combinado simplemente permite usos urbanos residenciales en adición a los usos ya permitidos en los siete distritos con zonificación para comercio. Como resultado, la designación MU- Distrito Combinado, otorga la combinación de oficinas, comercio, y usos urbanos residenciales en el mismo sitio.

Para más información acerca del proceso de desarrollo urbano de la ciudad de Austin, por favor visite nuestra página de la *Internet*:  
[www.austintexas.gov/planning](http://www.austintexas.gov/planning).

Comentarios escritos deberán ser sometidos a la comisión (o a la persona designada en la noticia oficial) antes de la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, y el número de caso de la persona designada en la noticia oficial. La correspondencia y la información enviada a la Ciudad de Austin están sujetas a la Ley de Información Pública de Texas (Capítulo 552) y serán publicadas en línea.

**Numero de caso: C14-2021-0100**

**Persona designada: Sherri Sirwaitis, 512-974-3057**

**Audiencia Publica: Octubre 14, 2021, Cabildo Municipal**

\_\_\_\_\_  
*Su nombre (en letra de molde)*

☐ I am in favor  
☐ I object

\_\_\_\_\_  
*Su domicilio(s) afectado(s) por esta solicitud (opcional)*

\_\_\_\_\_  
*Firma*

\_\_\_\_\_  
*Fecha*

Número de teléfono durante el día (opcional): \_\_\_\_\_

Comentarios: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Si usted usa esta forma para proveer comentarios, puede retornarlos:

City of Austin, Housing & Planning Department

**Sherri Sirwaitis**

P. O. Box 1088, Austin, TX 78767

O por correo electrónico a:

**[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)**



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.austintexas.gov/planning](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and may be published online.

Case Number: C14-2021-0100

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: ~~September 30~~ <sup>OCTOBER 19</sup>, 2021, City Council

MARLA JAFFE

Your Name (please print)

3605 Kentfield 78759

Your address(es) affected by this application (optional)

Marla Jaffe

Signature

10/4/21

Date

Daytime Telephone (Optional):

Comments:

Not an optimal lot to build on: difficult & dangerous for traffic, caves under property could be of concern. Would like to see something that contributes to community, rather than making our lives more difficult.

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)

☐ I am in favor  
☒ I object



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**Case Number: C14-2021-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: October 14, 2021, City Council**

THOMAS TRUEHARDT

Your Name (please print)

8210 BENT TREE APT 115

Your address(es) affected by this application (optional)

[Signature]

Signature

10-06-2021

Date

Daytime Telephone (Optional): 512 995 8411

Comments:

City of Austin

OCT 12 2021

NHCD / AHTC

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

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[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)